

CERTIFIED COPY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

Coordination Proceeding Special)
Title (Rule 1550(b)))
In re TOBACCO CASES II)
This document relates to:) JCCP NO. 4042
Devin Daniels, et al., vs.) DEPOSITION OF
Philip Morris Incorporated,) FRANCES CREIGHTON
et al., (San Diego Superior)
Court Case No. 71946))
-AND-)
Willard R. Brown, et al., vs.)
The American Tobacco Company,)
Inc., et al. (San Diego Superior))
Court Case No. 711400))
SERVICE LIST "D/G")

TAKEN ON: MONDAY, AUGUST 27, 2001

TAKEN AT: 550 West "C" Street
Suite 1440

San Diego, California

REPORTED BY: Florinda St. Cyr

CSR No. 10180, RPR

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26 ALSO PRESENT: CHRISTIAN TEARE, Videographer

I N D E X

WITNESS	EXAMINED BY	PAGE
FRANCES CREIGHTON	By Mr. Blumenthal	6

E X H I B I T S

(NONE)

1 SAN DIEGO, CALIFORNIA, MONDAY, AUGUST 27, 2001;

2 9:46 A.M.

3
4 VIDEOGRAPHER: Good morning. We are on the record. 09:45:31
5 This is the videotape deposition of Frances Creighton, 09:45:36
6 taken In re: Tobacco Cases II, relating to Devin 09:45:39
7 Daniels, et al., versus Philip Morris Companies, Inc., 09:45:45
8 et al., in the Superior Court of California, County of 09:45:48
9 San Diego, Case JCCP 4042. We're in the offices of 09:45:53
10 Vail, Christians & Associates, 550 West "C" Street, 09:46:02
11 Suite 1440, in San Diego. 09:46:04

12 Today's date is Monday, August 27th, 2001, and the 09:46:07
13 time is 9:46 A.M. My name is Christian Teare. I'm 09:46:11
14 with the firm of AJL Video, 1919 Grand Avenue, 09:46:17
15 Suite 2C, in San Diego. The certified shorthand 09:46:21
16 reporter is Florinda St. Cyr with Vail, Christians & 09:46:27
17 Associates. 09:46:31

18 Video and audio recording will be taking place at 09:46:31
19 all times during this deposition, unless counsel have 09:46:35
20 specifically requested to go off the record. 09:46:39

21 If counsel would please state your appearances, the 09:46:42
22 reporter will then swear in the witness. 09:46:47

23 MR. BLUMENTHAL: Norm Blumenthal, attorney for the 09:46:51
24 plaintiff class. 09:46:54

25 MR. NORDREHAUG: Kyle Nordrehaug, attorney for the 09:46:58

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in
HUNTER

1 plaintiff class.

2 MR. THOMPSON: Todd Thompson of Howard Rice. I'm 09:47:03
3 counsel for R.J. Reynolds Tobacco Company. With me is 09:47:03
4 Martin Holton, who also represents R.J. Reynolds 09:47:08
5 Tobacco Company. 09:47:12

6 MR. EATON: Dan Eaton, Seltzer Caplan, representing 09:47:15
7 Philip Morris, Incorporated. 09:47:17

8 MS. WESTPHAL: Kristin Westphal of Gray Cary, Ware
9 & Freidenrich, representing Lorillard. 09:47:19

10 MR. DiSAIA: Steve DiSaia, Sedgwick Detert Moran & 09:47:21
11 Arnold for Brown & Williams Tobacco Corporation. 09:47:26

12
13 FRANCES VIRGINIA CREIGHTON,
14 HAVING BEEN FIRST DULY SWORN, TESTIFIES
15 AS FOLLOWS:
16

17 MR. BLUMENTHAL: Before we get started, we have a 09:47:45
18 stipulation on the record that an objection by one 09:47:48
19 defense counsel is deemed to be an objection for all. 09:47:51
20 Is that okay with defense counsel? 09:47:54

21 MR. EATON: That's fine. 09:47:56

22 MR. DiSAIA: Absolutely. 09:47:57

23 MR. THOMPSON: Fine. 09:48:00

24 ///

25 ///

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in
HUNTHURDY

[illegible]

<http://legacy.library.ucsf.edu/stid/ukr07a00/pdf> www.industrydocuments.ucsf.edu/docs/jsxl0001

EXAMINATION

BY MR. BLUMENTHAL:

09:47:44

Q. Please state your name for the record, please. 09:48:02

A. Yes. Frances Virginia Creighton. 09:48:04

Q. And would you prefer to be called 09:48:07

Ms. Creighton or Mrs. Creighton? 09:48:09

A. Ms. Creighton. 09:48:12

Q. Okay. Great. Could you give me your current 09:48:13

business address, please. 09:48:14

A. 408 North Main Street, Winston-Salem, North 09:48:14

Carolina 27102. 09:48:21

Q. Is that with R.J. Reynolds Tobacco Company? 09:48:23

A. That's correct. 09:48:27

Q. If I say "RJR," can we agree that means R.J. 09:48:27

Reynolds Tobacco Company that's a defendant in this 09:48:33

case? 09:48:34

A. Yes, you can. 09:48:35

MR. BLUMENTHAL: Is that all right with you, 09:48:36

Counsel? 09:48:37

MR. THOMPSON: Sure. 09:48:39

BY MR. BLUMENTHAL: 09:48:41

Q. How long have you been with RJR?

A. 20 years.

Q. I don't want to go over all of your positions. 09:48:42

I've done a deposition before where I spent most of the 09:48:42

Produced by F. J. T. C.

1 you involved with Camels, prior to being involved as 09:50:09
2 marketing and research manager? 09:50:12
3 A. Not directly. 09:50:17
4 Q. All right. And I take it you came to the 09:50:18
5 company in 1981, approximately? 09:50:21
6 A. That's correct. 09:50:23
7 Q. What was your first position with the company? 09:50:24
8 A. Marketing research analyst. 09:50:26
9 Q. And did you, at that time, do any work with 09:50:32
10 regard to Camels? 09:50:35
11 A. Not specifically. 09:50:36
12 Q. Okay. Tell me generally the first position, 09:50:37
13 generally what you did. 09:50:41
14 A. I was originally hired by R.J. Reynolds 09:50:42
15 Tobacco International. The two years of training in 09:50:45
16 that company consisted of working in the domestic 09:50:52
17 tobacco company in a series of rotations, to learn 09:50:55
18 marketing research. 09:50:59
19 Q. So during that first two-year period, 09:51:04
20 approximately '81 to '82, in your position, you learned 09:51:06
21 about marketing research? 09:51:09
22 A. That's correct. 09:51:11
23 Q. If I had to ask you to give me a definition of 09:51:20
24 "marketing research," could you do that? 09:51:22
25 A. Yes. 09:51:26

Produced by RIRTC

1 Q. Okay. Why don't you tell me how you would 09:51:27
2 define "marketing research." 09:51:29
3 A. I'll define it broadly. 09:51:36
4 Q. Okay. 09:51:36
5 A. It's the collection of information related to 09:51:37
6 sales or sales to customers, designed to help the 09:51:42
7 company make decisions, informed decisions, on the 09:51:52
8 business. 09:51:58
9 Q. And in the collection of information related 09:52:00
10 to sales to customers designed to help the company, do 09:52:03
11 you also study the demographics of the customers? 09:52:07
12 A. We have information to look at demographics of 09:52:11
13 adult smokers, yes. 09:52:16
14 MR. THOMPSON: Norm, I don't want to interrupt your 09:52:27
15 exam, but before you get into too much substance, I 09:52:29
16 wanted to make clear why Ms. Creighton is here, mostly 09:52:32
17 to you, but as well as sort of for the record, because 09:52:36
18 the plaintiffs have served a number of PMK depositions, 09:52:38
19 just as much for your benefit as anything. 09:52:44
20 She's here, first of all, in her personal capacity, 09:52:47
21 because we had an agreement we would produce her for 09:52:53
22 testimony about subjects post the California AG 09:52:54
23 depositions, so she'll be available for her own 09:53:00
24 personal testimony about that. 09:53:03
25 But also as to the PMK depositions, there are four 09:53:05

Produced by EARTC
in
response to
discovery

1 notices that she is relevant to. Two of the notices 09:53:08
2 are numbered 2 and 3 No. 2 concerns Camel cigarettes 09:53:13
3 with a C, and No. 3 concerns Kamel cigarettes with a K. 09:53:21
4 The primary topic of those two is communications 09:53:25
5 between outside service providers to Reynolds "and 09:53:28
6 Reynolds" about various topics. She'll be responding 09:53:31
7 to all of the topics in 2 and 3, with the exception of 09:53:35
8 topics concerning advertisement placement in magazines. 09:53:43
9 She has the ultimate responsibility for that but really 09:53:47
10 is not involved day to day, and therefore, she won't -- 09:53:51
11 she can answer questions about that ultimate 09:53:54
12 responsibility, otherwise not, and won't be responding 09:53:58
13 to Categories 163 through 180. 09:54:01
14 Then the next series of topics are communications 09:54:09
15 about outdoor advertising of Camel with a C or Kamel 09:54:14
16 with a K. She will be responding as to the content of 09:54:19
17 that advertising but not the placement of the 09:54:23
18 advertising, which really wasn't within her direct 09:54:26
19 responsibility. So that's Topics 181 through 198. 09:54:28
20 Then she'll be responding to the remainder, except 09:54:42
21 for the parallel ones, about advertisement placement in 09:54:45
22 magazines for Berg, that is KBA, and what's now known 09:54:51
23 as Mullen LHC. Those are 236 through 252. Again, 09:54:56
24 she's had ultimate responsibility but won't be 09:55:08
25 responding about that. 09:55:10

Produced by RJRTC

1 Then there is, again, parallel ones, 253 through 09:55:12
2 270, that concern communications with either Mullen LHC 09:55:17
3 or KBA on outdoor advertising. She'll testify about 09:55:21
4 the content but not about the placement; that is, she's 09:55:24
5 not responding for Reynolds on those topics. Again, I 09:55:29
6 haven't numbered -- I'm not going to go through the 09:55:33
7 parallel ones for Kamel with a K, but it's the same 09:55:34
8 situation. 09:55:37
9 Then on deposition notice No. 5, she will be 09:55:38
10 responding to Topics 679 through 687; that is, the 09:55:42
11 compliance of Reynolds with the cigarette advertising 09:55:48
12 codes for Camel cigarettes only, but those topics for 09:55:53
13 Camel cigarettes. 09:55:56
14 Finally, there's a deposition notice that is 09:56:03
15 numbered No. 5, but I think that's a mistake by your 09:56:07
16 firm. You meant No. 6, but it was served just the 09:56:11
17 other day. So we'll call it the second No. 5. She 09:56:14
18 will testify on Topics 698 through 737, and again, 792 09:56:19
19 through 800. Let me go back. 698 through 737 09:56:33
20 concerns, generally, consumer smoking of Camel 09:56:39
21 cigarettes, advertising for Camel, promotions for 09:56:43
22 Camel, marketing ads for the use of Camel during 09:56:46
23 various years. Then there are three sort of similar 09:56:51
24 catch-alls for Kamel with a K. 09:56:54
25 Then as to 792 to 800, those concern sponsorship of 09:56:59

Produced by RJRTC

1 events, as defined in the notice. She'll deal with 09:57:04
2 that as far as Camel sponsorship of events. 09:57:07
3 MR. BLUMENTHAL: Fair enough. 09:57:11
4 MR. THOMPSON: The next is the Joe Camel cigarette 09:57:12
5 campaign. And I'll allow some -- I'll allow 09:57:14
6 examination about that, to the extent it falls within 09:57:17
7 the class period. Earlier -- you know, we could argue 09:57:19
8 about whether earlier is relevant, but she's already 09:57:22
9 been deposed thoroughly about those, and we've given 09:57:26
10 you those deposition transcripts. So obviously, I'll 09:57:28
11 allow limited examination there but not full-blown 09:57:34
12 examination, because you've already got it. And it's 09:57:36
13 just going to take up time. 09:57:38
14 So she'll respond to 801 for post 1992, and then 09:57:40
15 802, 803 and 804, which concern three other cigarette 09:57:45
16 campaigns during the class period. So that's -- 09:57:50
17 forgive me for the long introduction, but that's what 09:57:53
18 she's here for. 09:57:55
19 MR. BLUMENTHAL: That's fine.
20 Q. Ms. Creighton, I'm sure your counsel will 09:57:58
21 object if I go too far afield. I hope he'll show me 09:58:00
22 some latitude in getting into this deposition. 09:58:04
23 MR. BLUMENTHAL: Because I did, Counsel, have 09:58:07
24 some -- have some preliminary questions I wanted to get 09:58:09
25 into, to get a feel for her knowledge as a person most 09:58:12

Produced by R. J. T. C.

1 knowledgeable. 09:58:15

2 MR. THOMPSON: That's an appropriate area of 09:58:20

3 inquiry. 09:58:22

4 MR. BLUMENTHAL: Okay. Let me see if I can start 09:58:23

5 out. 09:58:24

6 Q. First thing -- I apologize for asking you 09:58:25

7 this, because I know that salaries are sensitive, 09:58:27

8 private topics, but I saw in the previous examination 09:58:30

9 there was questioning on that. So following it was 09:58:34

10 allowed there and assuming it would be allowed here, 09:58:38

11 I'd like to ask you what your current compensation 09:58:39

12 package is with R.J. Reynolds. 09:58:42

13 MR. THOMPSON: I'll allow limited inquiry into this 09:58:47

14 area. 09:58:50

15 BY MR. BLUMENTHAL: 09:58:50

16 Q. And you can be general, too. You know, why 09:58:51

17 don't we start here. Is your salary in the six 09:58:54

18 figures? 09:58:57

19 A. Yes. 09:58:57

20 Q. Okay. Is it in the mid-six figures? 09:58:57

21 A. No. 09:59:00

22 Q. Low six figures? 09:59:00

23 A. Low six figures. 09:59:02

24 Q. Do you have a bonus plan? 09:59:04

25 A. Yes. 09:59:05

Produced by R. J. C. in CONFIDENTIAL

1 Q. Is that in the six figures? 09:59:05

2 A. Depending on whether we meet our objectives, 09:59:08

3 it has the potential to be in the six figures. 09:59:11

4 Q. Okay. Good. Has that potential been seven 09:59:14

5 figures? 09:59:17

6 A. No. 09:59:18

7 Q. Six figures or low six figures? 09:59:19

8 A. Low six figures. 09:59:20

9 Q. Two low six figures. How about your stock 09:59:22

10 option plan? As you sit here today, has that allowed 09:59:23

11 you to - I assume some of it is vested; is that a fair 09:59:27

12 statement? 09:59:31

13 A. Yes. 09:59:31

14 Q. Okay. Has that given you compensation in the 09:59:32

15 low to mid six figures? 09:59:34

16 A. Below six figures. 09:59:35

17 Q. Okay. That's enough for me. I'm sensitive to 09:59:37

18 it, and I don't wish to inquire into your private 09:59:41

19 matters, but I did want to get a feel of where you are 09:59:45

20 in kind of the pecking order in the company. Would you 09:59:49

21 consider yourself a senior management executive? 09:59:52

22 A. I'm an officer of the company, yes. 09:59:55

23 Q. Okay. Do you attend board meetings? 09:59:56

24 A. No. 09:59:59

25 Q. Would you consider yourself at a level just 10:00:00

Produced by RJRTC
in
REYNOLDS

1 below the board level? 10:00:02

2 A. I report to an executive vice-president, who 10:00:06

3 reports to our CEO. 10:00:09

4 Q. Okay. Obviously the CEO is on the board. Is 10:00:10

5 the executive vice-president whom you report to on the 10:00:14

6 board? 10:00:17

7 A. Yes. 10:00:17

8 Q. What is his or her name? 10:00:18

9 A. Her name is Lynn Beasley. 10:00:20

10 Q. And Lynn reports to Mr. Johnson? 10:00:22

11 A. Mr. Schinler. 10:00:25

12 Q. Mr. Schinler reports to Mr. Johnson? 10:00:27

13 A. Mr. Johnson doesn't work at Reynolds. 10:00:31

14 Q. When did Mr. Johnson leave Reynolds? 10:00:33

15 A. Jim Johnson? 10:00:34

16 Q. Yes. 10:00:35

17 A. Several years ago. 10:00:37

18 Q. Okay. Do you have the approximate date? 10:00:39

19 A. I'd have to check. It's been a number of 10:00:43

20 years. Three or four years. 10:00:45

21 Q. Three or four years. Okay. Again, this is 10:00:46

22 just preliminary inquiry. Biggest, broadest question I 10:00:54

23 think I can ask you in terms of your knowledge. Do you 10:00:59

24 know who Dick Reynolds was? 10:01:02

25 A. Are you referring to R.J. Reynolds? 10:01:04

Produced by R.A.T.C.
INVESTIGATIVE

1 Q. Yes. 10:01:07
2 A. As the founder of our company? 10:01:07
3 Q. Yes. 10:01:09
4 A. I didn't know him personally, but yes. 10:01:10
5 Q. Okay. And Mr. Reynolds -- do you know when he 10:01:13
6 founded RJR? 10:01:17
7 A. Camel was launched in 1913. He founded the 10:01:24
8 company some years before that. 10:01:28
9 Q. Do you know Camel and Lucky Strike to be the 10:01:31
10 first manufactured, mass-produced manufactured 10:01:35
11 cigarettes in the country? 10:01:39
12 MR. THOMPSON: Objection. Lacks foundation. 10:01:41
13 THE WITNESS: I have read in historical documents 10:01:43
14 that Camel was the first nationally marketed cigarette 10:01:47
15 in the country. 10:01:52
16 BY MR. BLUMENTHAL: 10:01:54
17 Q. Okay. Is there a person at RJR you would call 10:01:54
18 the historian? 10:01:58
19 A. I don't know of any individual we call a 10:02:01
20 historian. 10:02:04
21 Q. Is there a person at RJR you would call a 10:02:06
22 archivist, someone who maintains, for example, the 10:02:08
23 original documents of Mr. Dick Reynolds? 10:02:11
24 A. Not that I'm aware of. 10:02:16
25 Q. Okay. So is there a history of RJR that 10:02:18

Produced by RJR-TC
IN RE: AMERICAN TOBACCO CO. SEC. 17(b) LITIGATION

1 someone at the company keeps? 10:02:22

2 A. I'm not aware of a specific history that's 10:02:28

3 being kept on R.J. Reynolds. 10:02:30

4 Q. Okay. I'll ask you some questions. These are 10:02:32

5 going to be questions -- true-and-false questions in 10:02:58

6 terms of you can just answer true or false. You don't 10:03:00

7 have to give any more information than I'm going to go 10:03:02

8 through those for you. 10:03:07

9 The first one is, is it true and false that 10:03:11

10 advertising and promotion of cigarettes by tobacco 10:03:13

11 companies, including RJR, is an important cause of 10:03:17

12 children smoking? 10:03:20

13 MR. THOMPSON: Objection. Vague and ambiguous, 10:03:22

14 lacks foundation, calls for speculation. 10:03:25

15 THE WITNESS: I don't know if it's true or false. 10:03:28

16 BY MR. BLUMENTHAL: 10:03:29

17 Q. Okay. And what I would like you to do, if 10:03:30

18 you're not certain -- I don't want to you speculate, 10:03:33

19 but I want your best testimony today. In giving your 10:03:36

20 best testimony today and with 20 years experience in 10:03:39

21 the industry, could you tell me, is your belief -- is 10:03:42

22 it true or false that advertising and promotion of 10:03:46

23 cigarettes by the tobacco companies, including RJR, is 10:03:49

24 an important cause of children smoking? 10:03:52

25 MR. THOMPSON: Okay. I'm going to assert the same 10:03:56

Produced by RJCRC

1 objections. Plus, it sounds like now you're calling 10:03:58
2 for her opinion testimony, which is inappropriate here. 10:04:01
3 She hasn't been designated to testify about that issue 10:04:03
4 at all. 10:04:06
5 Go ahead and -- but I'm not going to stop you from 10:04:07
6 answering the question. So if you have any more -- 10:04:11
7 well, if you have an opinion on the issue, you can 10:04:15
8 provide it. 10:04:17
9 THE WITNESS: Can I ask you to repeat the question, 10:04:18
10 please? 10:04:19
11 BY MR. BLUMENTHAL: 10:04:21
12 Q. Sure. Is it true or false that advertising 10:04:22
13 and promotions of cigarettes by the tobacco companies, 10:04:24
14 including RJR, is an important cause of children 10:04:26
15 smoking? 10:04:29
16 A. In my opinion, it would be false. 10:04:32
17 Q. Okay. Is it true or false that 90 percent of 10:04:34
18 all smokers start smoking before they are 19 years old? 10:04:39
19 A. I don't know. 10:04:44
20 Q. Okay. 10:04:45
21 MR. THOMPSON: I would have -- I would have 10:04:46
22 objected to that as lacking foundation. But anyway, go 10:04:48
23 ahead. 10:04:51
24 BY MR. BLUMENTHAL: 10:04:52
25 Q. Again, with your 20 years experience, I don't 10:04:52

Produced by RJC

1 want you to speculate, but I want you to give me your 10:04:55
2 best statement as to what you know, as the person most 10:04:57
3 knowledgeable on consumer smoking at RJR. In your 10:05:02
4 experience, is it true or false that 90 percent of all 10:05:08
5 smokers start smoking before they are 19 years old? 10:05:11
6 MR. THOMPSON: Objection. Lacks foundation. 10:05:16
7 THE WITNESS: I don't know. 10:05:19
8 BY MR. BLUMENTHAL: 10:05:20
9 Q. Okay. Is it true or false that more than 60 10:05:20
10 percent of all smokers start smoking before they're 16 10:05:25
11 years old? 10:05:29
12 MR. THOMPSON: Same objection. 10:05:30
13 THE WITNESS: I don't know. 10:05:31
14 BY MR. EATON: 10:05:32
15 Q. Is it true or false that only 5 percent of 10:05:37
16 smokers start smoking after 24? 10:05:41
17 MR. THOMPSON: Lacks foundation. Objection. 10:05:44
18 THE WITNESS: I don't know. 10:05:46
19 BY MR. BLUMENTHAL: 10:05:47
20 Q. Is it true or false that the average age of a 10:05:51
21 person who starts smoking -- started smoking in the 10:05:54
22 1990s was 13.9 years of age? 10:05:57
23 MR. THOMPSON: Objection. Lacks foundation. 10:06:01
24 THE WITNESS: I don't know. 10:06:02
25 BY MR. BLUMENTHAL: 10:06:02

Produced by RJRTC

1 Q. Okay. Is it true or false that one of the 10:06:09
2 principal products that RJR sells to children is doubt: 10:06:10
3 "Doubt your teachers, doubt your parents, doubt your 10:06:16
4 government that smoking cigarettes is addictive"? 10:06:19
5 MR. THOMPSON: Objection. Vague and ambiguous, 10:06:23
6 argumentative in the extreme and lacks foundation. 10:06:25
7 THE WITNESS: I'm not sure what your question is. 10:06:33
8 BY MR. BLUMENTHAL: 10:06:36
9 Q. The question is -- I'll repeat it again. It 10:06:36
10 has to do with addiction. Let me focus on the last 10:06:38
11 word of it. Is it true or false that one of the 10:06:41
12 principal products RJR sells to children is doubt: 10:06:44
13 "Doubt your teachers, doubt your parents, doubt your 10:06:49
14 government that smoking cigarettes is addictive"? 10:06:52
15 MR. THOMPSON: Same objections. 10:06:57
16 THE WITNESS: I don't know. 10:06:58
17 BY MR. BLUMENTHAL: 10:06:59
18 Q. Okay. I'm going to ask the same question, 10:06:59
19 then, about causing cancer. Is it true or false that 10:07:03
20 one of the principal products that RJR sells to 10:07:07
21 children is doubt: "Doubt your teachers, doubt your 10:07:10
22 parents, doubt your government that smoking cigarettes 10:07:13
23 has been proven to cause cancer"? 10:07:16
24 MR. THOMPSON: Objection. Lacks foundation, 10:07:20
25 argumentative, vague and ambiguous. 10:07:21

Produced by RITC

1 MR. EATON: Compound. 10:07:24

2 THE WITNESS: I don't know. 10:07:25

3 BY MR. BLUMENTHAL: 10:07:26

4 Q. Is it true or false that one of the principal 10:07:30

5 products RJR sells to children is doubt: "Doubt your 10:07:32

6 teachers, doubt your parents, doubt your government 10:07:36

7 that smoking cigarettes has been proven to cause 10:07:39

8 emphysema"? 10:07:42

9 MR. THOMPSON: Same objections. 10:07:45

10 THE WITNESS: I don't know. 10:07:47

11 BY MR. BLUMENTHAL: 10:07:47

12 Q. Okay. Is it true or false that one of the 10:07:48

13 principal products RJR sells to children is doubt: 10:07:51

14 "Doubt your teachers, doubt your parents, doubt your 10:07:55

15 government that smoking cigarettes has been proven to 10:07:58

16 cause heart disease"? 10:08:01

17 MR. THOMPSON: Same objections. Argumentative. 10:08:04

18 THE WITNESS: I don't know. 10:08:07

19 BY MR. BLUMENTHAL: 10:08:07

20 Q. Okay. Do you understand, Ms. Creighton, that 10:08:07

21 the class period in this case is April 2nd, 1994 to 10:08:15

22 December 31, 1999? 10:08:16

23 A. Yes. 10:08:19

24 Q. And if I use the words "class period," I'm 10:08:19

25 going to be referring to those dates, which are 10:08:22

21

Produced by RILEY

1 approximately '94 through '99. Is that okay? 10:08:24

2 A. Yes. 10:08:28

3 Q. Okay. More true-or-false questions. Is it 10:08:28

4 true or false that RJR represented to the public before 10:08:34

5 the class period that smoking cigarettes is not 10:08:37

6 addictive? 10:08:40

7 MR. THOMPSON: Objection. Lacks foundation. 10:08:42

8 THE WITNESS: I don't know. 10:08:44

9 BY MR. BLUMENTHAL: 10:08:44

10 Q. Okay. Okay. Next question, is it true or 10:08:45

11 false that RJR represented to the public during the 10:08:51

12 class period that smoking cigarettes is not addictive? 10:08:53

13 MR. THOMPSON: Objection. Lacks foundation. 10:08:57

14 Again, she was not designated for any of this that's 10:08:59

15 gone on up to this point. 10:09:02

16 THE WITNESS: I don't know. 10:09:06

17 MR. BLUMENTHAL: Okay. I think she was. We just 10:09:07

18 agree to disagree. I think in consumer smoking, she 10:09:12

19 comes on to that. 10:09:15

20 MR. THOMPSON: Consumers, obviously, means legal 10:09:17

21 consumers, not illegal consumers. We don't have any 10:09:19

22 reason to have anyone that knows about that. We're not 10:09:24

23 designating anyone who talks about that. 10:09:25

24 MR. BLUMENTHAL: Let me see if I can clarify, 10:09:29

25 because I was talking about the public at large, not 10:09:30

22

1 children anymore. 10:09:33

2 Q. So the question is, is it true or false -- 10:09:34

3 MR. THOMPSON: Hang on. We're not designating 10:09:36

4 anyone to talk about smoking. It's not something that 10:09:38

5 Reynolds studies and certainly not something that's in 10:09:41

6 the purview of a marketer. So when we talk about 10:09:45

7 consumers, we're talking about legal consumers. 10:09:48

8 MR. BLUMENTHAL: Fair enough. With that point in 10:09:51

9 mind, let me repeat the question, and then maybe that 10:09:54

10 was the misunderstanding. 10:09:58

11 Q. Is it true or false that RJR represented to 10:10:02

12 the public during the class period that smoking 10:10:04

13 cigarettes is not addictive? 10:10:07

14 MR. THOMPSON: Same objections. 10:10:12

15 THE WITNESS: I don't know. 10:10:14

16 BY MR. BLUMENTHAL: 10:10:14

17 Q. Next one, is it true or false that RJR 10:10:18

18 represented to the public after the class period that 10:10:21

19 smoking cigarettes is not addictive? 10:10:24

20 MR. THOMPSON: Just to clarify, Norm, do you mean 10:10:27

21 after 1999? 10:10:29

22 MR. BLUMENTHAL: Yes. 10:10:30

23 MR. THOMPSON: Okay. 10:10:32

24 THE WITNESS: I don't know. 10:10:32

25 BY MR. BLUMENTHAL: 10:10:33

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in CONFIDENTIAL

1 Q. Okay. Is it true or false that RJR 10:10:33
2 represented to the public before the class period that 10:10:36
3 cigarette smoking has not been proven to cause cancer? 10:10:40
4 MR. THOMPSON: Objection. Lacks foundation. 10:10:44
5 THE WITNESS: I don't know. 10:10:48
6 BY MR. BLUMENTHAL: 10:10:48
7 Q. Is it true or false that RJR represented to 10:10:49
8 the public during the class period that cigarette 10:10:52
9 smoking has not been proven to cause cancer? 10:10:55
10 MR. THOMPSON: Objection. Lacks foundation. 10:10:59
11 THE WITNESS: I don't know. 10:11:00
12 BY MR. BLUMENTHAL: 10:11:01
13 Q. Is it true or false that RJR represented to 10:11:02
14 the public after the class period that cigarette 10:11:04
15 smoking has not been proven to cause cancer? 10:11:07
16 MR. THOMPSON: Objection. Lacks foundation. 10:11:11
17 THE WITNESS: I don't know. 10:11:13
18 BY MR. BLUMENTHAL: 10:11:13
19 Q. Is it true or false that RJR represented to 10:11:14
20 the public during the class period that cigarette 10:11:17
21 smoking has not been proven to cause emphysema? 10:11:20
22 MR. THOMPSON: Objection. Lacks foundation. 10:11:27
23 THE WITNESS: I don't know. 10:11:30
24 BY MR. BLUMENTHAL:
25 Q. Is it true or false that RJR represented to 10:11:31

24

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in
HONOLULU

1 the public before the class period that cigarette 10:11:33
2 smoking has not been proven to cause emphysema? 10:11:34
3 MR. THOMPSON: Objection. Lacks foundation. 10:11:39
4 THE WITNESS: I don't know. 10:11:40
5 BY MR. BLUMENTHAL: 10:11:40
6 Q. Is it true or false that RJR represented to 10:11:40
7 the public after the class period that cigarette 10:11:43
8 smoking has not been proven to cause emphysema? 10:11:45
9 MR. THOMPSON: Objection. Lacks foundation. 10:11:51
10 THE WITNESS: I don't know. 10:11:53
11 BY MR. BLUMENTHAL:
12 Q. Is it true or false that RJR represented to 10:11:54
13 the public before the class period that cigarette 10:11:55
14 smoking has not been proven to cause heart disease? 10:11:57
15 MR. THOMPSON: Objection. Lacks foundation. 10:12:02
16 Again, she was not designated for this purpose, and in 10:12:04
17 fact, I don't believe any of these topics are anywhere 10:12:05
18 within the PMK notices. 10:12:07
19 MR. BLUMENTHAL: This has to do with consumer 10:12:12
20 smoking, Todd. 10:12:14
21 MR. THOMPSON: It's way, way, way afield of
22 consumer smoking, which means the rates and manner in 10:12:17
23 which consumers smoke cigarettes. But I guess we can 10:12:19
24 argue about that later. Again, you can finish out your 10:12:24
25 list, but her testimony here would be just for her own 10:12:25

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in
HUMPHREY

1 personal -- from her personal knowledge in her role as 10:12:28
2 an individual. 10:12:33
3 MR. BLUMENTHAL: All right. I'll just agree to 10:12:35
4 disagree with you on that. That's fair. I understand 10:12:37
5 your position, that she's testifying as to these topics 10:12:39
6 as to her personal knowledge. We're taking the 10:12:42
7 position she's testifying to these topics as a PMK. 10:12:45
8 MR. THOMPSON: Okay. She's not. 10:12:49
9 MR. BLUMENTHAL: Okay. She obviously doesn't 10:12:51
10 know -- 10:12:55
11 MR. THOMPSON: I mean, it's my job to designate a 10:12:56
12 PMK and she's not. 10:12:59
13 MR. BLUMENTHAL: Fair enough. And then let me go 10:13:00
14 through the questions, then. 10:13:03
15 MR. THOMPSON: I won't stop you from asking the 10:13:05
16 questions. 10:13:07
17 MR. BLUMENTHAL: I appreciate that. I'll go 10:13:13
18 through the rest of them. 10:13:13
19 Q. Is it true or false that RJR represented to 10:13:13
20 the public after the class period that cigarette 10:13:13
21 smoking does not cause heart disease? 10:13:15
22 MR. THOMPSON: Objection. Lacks foundation. 10:13:18
23 THE WITNESS: I don't know. 10:13:20
24 BY MR. BLUMENTHAL: 10:13:20
25 Q. Okay. Let me ask you this: Is it true or 10:13:21

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1 false that cigarette smoking is addictive? 10:13:24

2 MR. THOMPSON: Objection. Lacks foundation. Again 10:13:27

3 not designated. 10:13:29

4 THE WITNESS: I don't know. 10:13:30

5 BY MR. BLUMENTHAL: 10:13:30

6 Q. Okay. Is it true or false that cigarette 10:13:31

7 smoking causes cancer? 10:13:33

8 MR. THOMPSON: Objection. Lacks foundation. 10:13:37

9 THE WITNESS: I don't know. 10:13:39

10 BY MR. BLUMENTHAL: 10:13:39

11 Q. Is it true that cigarette smoking causes heart 10:13:40

12 disease? 10:13:42

13 MR. THOMPSON: Objection. Lacks foundation. 10:13:43

14 THE WITNESS: I don't know. 10:13:45

15 BY MR. BLUMENTHAL: 10:13:45

16 Q. Is it true or false that cigarette smoking 10:13:46

17 causes emphysema? 10:13:48

18 MR. THOMPSON: Objection. Lacks foundation. She's 10:13:50

19 not a scientist or a doctor. 10:13:51

20 THE WITNESS: I don't know. 10:13:54

21 BY MR. BLUMENTHAL:

22 Q. Who at -- as to these questions, if you had to 10:13:55

23 tell me, in your day-to-day at work as the marketing 10:13:59

24 vice-president for Camel cigarettes, if you wanted to 10:14:08

25 know the answers to those questions, whom would you go 10:14:10

27

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1 to at RJR? 10:14:12

2 MR. THOMPSON: Objection. Vague and ambiguous and 10:14:16

3 lacks foundation. 10:14:18

4 Go ahead and answer to the best of your ability. 10:14:21

5 THE WITNESS: In my role as a marketer, I wouldn't 10:14:24

6 be likely to seek out someone to have the answer to 10:14:27

7 these questions, and I don't know who that would be, if 10:14:31

8 I were. 10:14:34

9 BY MR. BLUMENTHAL: 10:14:34

10 Q. Okay. Maybe I can rephrase it better. Do you 10:14:35

11 know who at RJR would be the person most knowledgeable 10:14:38

12 with regard to those series of questions? 10:14:41

13 A. No. I don't. 10:14:44

14 Q. Okay. As a marketer, do you or do you not 10:14:44

15 think that it's important to know whether or not 10:14:51

16 cigarette smoking is addictive? 10:14:54

17 A. I think that, first of all, smokers have their 10:15:03

18 own impression of how they define the term "addictive." 10:15:09

19 I haven't spoken to them about it. I consider there to 10:15:13

20 be awareness of all the risks associated with smoking, 10:15:19

21 and that's not a topic that I discuss with smokers. 10:15:22

22 Q. Okay. So you do not discuss whether or not 10:15:28

23 cigarette smoking is addictive with smokers? 10:15:31

24 A. No. 10:15:33

25 Q. Okay. You do not discuss whether or not 10:15:34

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IN RE
TAMPA
SMOKERS

1 cigarettes cause cancer with smokers? 10:15:37

2 A. No. 10:15:39

3 Q. You do not discuss whether or not cigarettes 10:15:39

4 cause heart disease with smokers? 10:15:42

5 A. No. 10:15:44

6 Q. And you do not discuss whether or not 10:15:44

7 cigarettes cause emphysema with smokers; correct? 10:15:46

8 A. No. 10:15:49

9 Q. And why don't you discuss those topics with 10:15:49

10 smokers, as the marketing vice-president of Camel 10:15:52

11 cigarettes? 10:15:55

12 A. My job is to market Camel cigarettes, to 10:16:00

13 retain those smokers who currently choose Camel as 10:16:06

14 their brand and to switch those adult smokers of 10:16:11

15 competitive brands to Camel. 10:16:15

16 Q. As the marketer of Camel cigarettes, isn't it 10:16:19

17 important to you to know all the properties of the 10:16:22

18 product that you're marketing? 10:16:24

19 A. What properties are you speaking of? 10:16:29

20 Q. That Camel cigarettes are addictive. 10:16:31

21 MR. THOMPSON: Objection. Assumes facts not in 10:16:35

22 evidence, lacks foundation. 10:16:36

23 THE WITNESS: I don't consider that to be part of 10:16:40

24 my job. 10:16:42

25 BY MR. BLUMENTHAL: 10:16:42

1 Q. Okay. As the person most knowledgeable of 10:16:43
2 Camel advertising, don't you want to know what has been 10:16:54
3 represented by RJR about Camel cigarettes? 10:16:58
4 MR. THOMPSON: Objection. Argumentative. 10:17:05
5 THE WITNESS: What I want to know -- I'm sorry. By 10:17:07
6 whom? 10:17:10
7 BY MR. BLUMENTHAL: 10:17:10
8 Q. By RJR. 10:17:10
9 A. To whom? 10:17:12
10 Q. To the public. 10:17:13
11 A. My customer is adult smokers of Camel 10:17:16
12 cigarettes and adult smokers of other brands. I speak 10:17:18
13 to them about Camel and their perceptions of that 10:17:22
14 brand. 10:17:25
15 Q. And as the marketing vice-president, don't you 10:17:25
16 want to know what members of RJR are talking to those 10:17:29
17 adult smokers or telling those adult smokers about 10:17:35
18 Camel cigarettes? 10:17:38
19 A. What the advertising that we have for Camel 10:17:47
20 cigarette says to those smokers? 10:17:50
21 Q. Let me try it another way. 10:17:52
22 A. Uh-huh. 10:17:53
23 Q. Do you want to know if RJR is telling the 10:17:54
24 public -- you can limit it to adult smokers, if you 10:17:57
25 want -- that Camel cigarettes and cigarette smoking is 10:18:01

30

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1 not addictive? Do you want to know that? 10:18:05

2 MR. THOMPSON: Objection. Assumes facts not in 10:18:08

3 evidence, lacks foundation, argumentative. 10:18:11

4 THE WITNESS: This is not a topic that is a part of 10:18:13

5 my job as marketing Camel cigarettes. 10:18:15

6 BY MR. BLUMENTHAL:

7 Q. Okay. Do you know, as you sit here today, 10:18:21

8 whether or not RJR has represented at any time to adult 10:18:25

9 smokers, as you talk about as your market, that 10:18:30

10 cigarette smoking is not addictive? 10:18:35

11 MR. EATON: Asked and answered. 10:18:38

12 THE WITNESS: I don't know. 10:18:42

13 BY MR. BLUMENTHAL: 10:18:42

14 Q. Do you know that RJR at any time has 10:18:43

15 represented to the public that cigarette smoking has 10:18:45

16 not been proven to cause cancer? 10:18:48

17 MR. THOMPSON: Excuse me. Could you repeat the 10:18:52

18 question? 10:18:53

19 MR. BLUMENTHAL: Sure. 10:18:54

20 Q. Do you know at any time if RJR, as part of 10:18:56

21 your job as the marketing person, has represented to 10:19:04

22 the public that cigarette smoking has not been proven 10:19:04

23 to cause cancer? 10:19:05

24 MR. THOMPSON: Objection. Vague and ambiguous, 10:19:07

25 lacks foundation. 10:19:09

31

Produced by ERTC

1 THE WITNESS: I don't know. 10:19:09

2 BY MR. BLUMENTHAL: 10:19:10

3 Q. Okay. Do you know if RJR at any time has 10:19:10

4 represented to adult smokers that cigarette smoking has 10:19:13

5 not been proven to cause heart disease? 10:19:16

6 MR. THOMPSON: The objections I made originally 10:19:19

7 when the question was asked, plus it's been asked and 10:19:20

8 answered. 10:19:24

9 MR. BLUMENTHAL: And I thought maybe there was some 10:19:24

10 misunderstanding, Todd, because she was talking -- she 10:19:25

11 differentiates between the public and adult smokers, so 10:19:28

12 I was trying to clarify that point. 10:19:32

13 MR. THOMPSON: Go ahead and answer. 10:19:36

14 THE WITNESS: I don't know. 10:19:38

15 BY MR. BLUMENTHAL: 10:19:38

16 Q. And with regard to emphysema, do you know if 10:19:38

17 RJR at any time has represented to adult smokers that 10:19:41

18 it's not been proven that cigarette smoking causes 10:19:45

19 emphysema? 10:19:48

20 MR. THOMPSON: Same objections. 10:19:49

21 THE WITNESS: I don't know. 10:19:50

22 BY MR. BLUMENTHAL: 10:19:51

23 Q. Is it true or false that RJR's ad campaigns 10:19:56

24 for Camel cigarettes during the class period were 10:20:00

25 entitled "Joe Camel," "What are you looking for," 10:20:03

Produced in REACT

1 "Mighty Tasty" and "Pleasure to burn"? 10:20:09

2 A. Those references would be appropriate for the 10:20:18

3 campaign during that period. 10:20:21

4 Q. Is it true or false that RJR represented to 10:20:22

5 the public that children do not pay attention to 10:20:24

6 cigarette advertisements? 10:20:26

7 MR. THOMPSON: Objection. Lacks foundation. 10:20:31

8 THE WITNESS: I don't know. 10:20:32

9 BY MR. BRUNENTHAL: 10:20:34

10 Q. As the -- do you have an understanding, as the 10:20:35

11 marketing vice-president of Camel cigarettes, whether 10:20:40

12 or not children pay attention to cigarette 10:20:43

13 advertisements? 10:20:46

14 A. No, I don't. 10:20:48

15 Q. Okay. You don't know one way or the other? 10:20:49

16 A. No, I don't. 10:20:51

17 Q. Never studied it? 10:20:52

18 A. Have not. 10:20:54

19 Q. Never have seen any studies on it? 10:20:55

20 A. I have not. 10:20:58

21 Q. Ever asked for any studies about whether or 10:21:02

22 not children pay attention to cigarette advertisements? 10:21:06

23 A. No, I haven't. 10:21:08

24 Q. Do you think it's important to know whether or 10:21:13

25 not these ad campaigns that we talked about, the four 10:21:16

Produced by EATC
JUN 20 2001

1 we talked about, are paid attention to by children? 10:21:20
2 MR. THOMPSON: Objection. Vague and ambiguous, 10:21:24
3 lacks foundation. 10:21:25
4 THE WITNESS: My job is to switch adult smokers to 10:21:29
5 Camel. I don't want to see children smoke, period. 10:21:32
6 BY MR. BLUMENTHAL: 10:21:41
7 Q. Okay, Given that, given that representation, 10:21:43
8 don't you think it's important to find out whether or 10:21:48
9 not the ad campaigns we just talked about are paid 10:21:50
10 attention to by children? 10:21:55
11 MR. THOMPSON: Objection. Vague and ambiguous. 10:21:57
12 THE WITNESS: We go through a number of steps to 10:22:01
13 ensure that our advertising is directed to adults. 10:22:03
14 BY MR. BLUMENTHAL: 10:22:09
15 Q. Okay, And is one of those steps to determine 10:22:09
16 whether or not children pay attention to cigarette 10:22:13
17 advertisements? 10:22:16
18 A. How would you define the way we would 10:22:17
19 determine that? 10:22:20
20 Q. A study of children, to see if they pay 10:22:22
21 attention to the cigarette ads. 10:22:25
22 A. No. 10:22:27
23 Q. Never been involved in that? 10:22:27
24 A. No. 10:22:28
25 Q. Have you ever been involved in determining the 10:22:32

Produced by RRTC
in
Hearings

1 reach of these cigarette ad campaigns to children? 10:22:37

2 MR. THOMPSON: Objection. Assumes facts not in 10:22:43

3 evidence, vague and ambiguous. 10:22:45

4 MR. BLUMENTHAL: Let me -- let me withdraw that and 10:22:47

5 let me ask a preliminary foundational question. 10:22:50

6 Q. Do you understand what "advertising reach" is, 10:22:53

7 Ms. Creighton? 10:22:56

8 A. Yes. 10:22:57

9 Q. Okay. Why don't you tell us what your 10:22:58

10 understanding is. 10:23:00

11 A. I would consider "reach," in our category, 10:23:01

12 just like I would in any other product category, to be 10:23:04

13 the extent to which your message or your promotion, 10:23:08

14 idea is seen or known to a target audience. 10:23:15

15 Q. Okay. To your knowledge, has RJR ever studied 10:23:26

16 whether or not the message for the four ad campaigns we 10:23:31

17 talked about were seen or known to children? 10:23:35

18 A. No. 10:23:38

19 Q. To your knowledge, has RJR studied any ad 10:23:40

20 campaign that RJR has run with regard to cigarettes as 10:23:45

21 to whether or not the message was seen or known to 10:23:50

22 children? 10:23:53

23 A. No. 10:23:53

24 Q. Is it true or false that RJR has represented 10:23:57

25 to the public that getting smokers to switch is 10:23:59

35

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1 virtually the only way a cigarette brand can 10:24:03
2 meaningfully increase its business and that is the 10:24:06
3 reason why RJR does not advertise to young people? 10:24:09
4 MR. THOMPSON: Objection. Compound, I think. 10:24:14
5 But -- 10:24:17
6 THE WITNESS: Can you repeat the question? I heard 10:24:19
7 two things. 10:24:20
8 BY MR. BEUMENTHAL: 10:24:21
9 Q. Okay. Let me try to break it down. 10:24:21
10 A. Uh-huh. 10:24:23
11 Q. Is it true or false that RJR has represented 10:24:24
12 to the public that getting smokers to switch is 10:24:26
13 virtually the only way a cigarette brand can 10:24:28
14 meaningfully increase its business? 10:24:30
15 A. I'm not sure if it's represented to the public 10:24:36
16 that switching adult smokers to our brands can grow our 10:24:40
17 business, but that is one of our goals in growing our 10:24:44
18 market share in our company. 10:24:48
19 Q. Okay. My question is, is it true or false 10:24:50
20 that RJR has represented to the public that switching 10:24:54
21 is virtually the only way a cigarette brand can 10:24:57
22 meaningfully increase its business? 10:25:00
23 A. I'm not aware of that. 10:25:02
24 Q. Okay. Do you agree with that as being true or 10:25:04
25 false, that switching is virtually the only way a 10:25:10

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1 cigarette brand can increase its business? 10:25:12

2 MR. THOMPSON: Objection. Vague and ambiguous. 10:25:15

3 THE WITNESS: I have two objectives in marketing 10:25:17

4 Camel cigarettes to adult smokers: The first is to 10:25:23

5 retain those smokers who claim Camel as their usual 10:25:23

6 brand. It's important to do that in order to grow your 10:25:27

7 market share, in addition to switching adult smokers of 10:25:29

8 competitive brands to Camel. 10:25:36

9 BY MR. BLUMENTHAL: 10:25:40

10 Q. And what about getting new smokers? 10:25:40

11 MR. THOMPSON: Well, objection. Vague and 10:25:44

12 ambiguous. 10:25:46

13 THE WITNESS: What do you mean by "new smokers"? 10:25:47

14 BY MR. BLUMENTHAL: 10:25:50

15 Q. Someone who hasn't smoked before, smoked your 10:25:50

16 brand. 10:25:54

17 A. That's not a part of my job. 10:25:55

18 Q. So is it true or false that switching is 10:25:56

19 virtually the only way a cigarette brand can 10:25:58

20 meaningfully increase its business? 10:26:02

21 MR. THOMPSON: Objection. Asked and answered. 10:26:06

22 THE WITNESS: Switching and retention of current 10:26:08

23 adult smokers to my brand. 10:26:11

24 BY MR. BLUMENTHAL: 10:26:13

25 Q. Okay. Let me ask it my way. I think we're 10:26:13

1 almost there. Is it true or false that switching 10:26:16
2 smokers to your brand and retaining smokers to your 10:26:23
3 brand are virtually the only ways a cigarette brand can 10:26:28
4 meaningfully increase its business? 10:26:31
5 A. Those are my primary objectives, yes. 10:26:36
6 Q. Is it true or false that RJR has represented 10:26:47
7 to the public that RJR Camel ad campaigns do not target 10:26:50
8 children to smoke? 10:26:55
9 A. I'm not aware of representation to the public 10:27:05
10 about our ads. 10:27:11
11 Q. Who would be the person most knowledgeable 10:27:12
12 with regard to public representations as to the purpose 10:27:15
13 of your Camel ads? 10:27:19
14 MR. THOMPSON: Objection. Assumes facts not in 10:27:22
15 evidence that there were such representations. 10:27:26
16 THE WITNESS: I don't know. 10:27:29
17 BY MR. BLUMENTHAL: 10:27:30
18 Q. Okay. Is it true or false that RJR's Camel ad 10:27:30
19 campaigns target children to smoke? 10:27:34
20 A. False. 10:27:37
21 Q. Okay. Is it true or false that RJR has 10:27:37
22 represented to the public that the placement of the 10:27:40
23 Camel ad campaigns in various medium does not target 10:27:43
24 children to smoke? 10:27:46
25 A. Can you repeat that question, please? 10:27:51

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1 Q. Sure. Is it true or false that RJR has 10:27:53
2 represented to the public that the placement of the 10:27:55
3 Camel ad campaigns in various medium does not target 10:27:57
4 children to smoke? 10:28:01
5 A. Again, I'm not sure about representation to 10:28:06
6 the public. Our policy is to place our advertising in 10:28:10
7 adult-targeted medium. 10:28:16
8 Q. Then let me ask it this way: Is it true or 10:28:19
9 false that the placement of the Camel ad campaigns in 10:28:22
10 various medium targets children to smoke? 10:28:24
11 A. False. 10:28:27
12 Q. Okay. Is it true or false that RJR has 10:28:27
13 represented to the public that RJR does not reach 10:28:32
14 children with the placement of the Camel ad campaigns? 10:28:35
15 A. I don't know. 10:28:40
16 Q. Okay. Is it true or false that RJR reaches 10:28:41
17 children with the placement of Camel ad campaigns? 10:28:45
18 A. I don't know. 10:28:48
19 Q. Is it true or false that RJR has represented 10:28:52
20 to the public that for most confirmed smokers over 18 10:28:54
21 years of age, the cigarette-purchase decision process 10:28:59
22 as to brand selection is nonexistent or, at best, 10:29:03
23 superficial? 10:29:07
24 MR. THOMPSON: Objection. Vague and ambiguous. 10:29:09
25 THE WITNESS: Please repeat the question. 10:29:10

Produced by RRTC

1 BY MR. BLUMENTHAL:

2 Q. Okay. I'll try to help you on it, too. It's 10:29:12

3 got legalese in it. Let me repeat it for you first. 10:29:16

4 Is it true or false that RJR has represented to the 10:29:21

5 public that for most confirmed smokers over 18 years of 10:29:23

6 age, the cigarette-purchase decision process as to 10:29:26

7 brand selection is nonexistent or, at best, 10:29:30

8 superficial? 10:29:35

9 MR. THOMPSON: Same objection. 10:29:37

10 THE WITNESS: I don't understand the question. 10:29:39

11 BY MR. BLUMENTHAL: 10:29:40

12 Q. Okay. I'll try it this way first, and then 10:29:40

13 maybe I can clear it up. Is it true or false that for 10:29:43

14 most confirmed smokers over 18 years of age, that the 10:29:45

15 cigarette-purchase decision process as to brand 10:29:49

16 selection is nonexistent or, at best, superficial? 10:29:52

17 MR. THOMPSON: Objection. Vague and ambiguous. 10:30:00

18 THE WITNESS: What do you mean by the 10:30:00

19 cigarette-purchase process is nonexistent? 10:30:02

20 BY MR. BLUMENTHAL: 10:30:05

21 Q. Okay. I guess you don't understand the 10:30:06

22 question. 10:30:08

23 A. No, I still don't understand. 10:30:09

24 Q. Let me try to see if I can help you. Do you 10:30:10

25 smoke cigarettes, Ms. Creighton? 10:30:13

40

Produced by R-RTC
in
H-THOMPSON

1 A. No. 10:30:15

2 Q. Okay. Have you ever smoked cigarettes in the 10:30:16

3 past? 10:30:17

4 A. Yes, I have. 10:30:18

5 Q. And how long had you smoked cigarettes, did 10:30:18

6 you smoke cigarettes? 10:30:20

7 A. Approximately 20 years. 10:30:21

8 Q. Okay. And when did you start smoking? 10:30:22

9 A. When I was 20 years old. 10:30:26

10 Q. Okay. And did you smoke one or more brands 10:30:27

11 during your smoking habit? 10:30:33

12 A. More than one brand. 10:30:35

13 Q. Okay. How many brands did you smoke? 10:30:36

14 A. Three or four. 10:30:40

15 Q. Okay. What was your first usual brand? 10:30:42

16 A. Tarryton cigarettes. 10:30:46

17 MR. THOMPSON: I'll object as vague and ambiguous. 10:30:48

18 Go ahead. I didn't get it in on time. 10:30:50

19 MR. BLUMENTHAL: That's all right. It's duly 10:30:53

20 noted. 10:30:55

21 Q. How long did you smoke Tarryton for? 10:30:56

22 A. Approximately a year. 10:31:01

23 Q. After that, what did you smoke? 10:31:02

24 A. Benson & Hedges. 10:31:04

25 Q. And how long did you smoke Benson & Hedges? 10:31:11

Produced by RJRTC

1 A. Approximately two years. 10:31:12

2 Q. And then for the remainder of your smoking 10:31:13

3 career, what brand did you smoke? 10:31:15

4 A. Mostly Salem cigarettes. 10:31:17

5 Q. Salem, okay. Did you buy Salem by the pack or 10:31:20

6 by the carton, or both? 10:31:26

7 A. Usually by the pack. 10:31:28

8 Q. And in going into the store, did you go into 10:31:29

9 the store and look on the shelf, "Today, maybe I'll 10:31:32

10 have Salem, or I'll have Winston, or I'll have Camel, 10:31:37

11 or I'll have Tarryton"? Did you have a conscious 10:31:40

12 decision, when you went to the store, as you were 10:31:45

13 picking, like "Today I'll have white bread or wheat or 10:31:48

14 I'll have a Coke or a Pepsi or a Sprite or an ice tea"? 10:31:51

15 That's -- when I'm trying to get the point across, is 10:31:55

16 in making the decision -- like when you shop, you shop 10:32:00

17 for that business suit that you have in purple. You 10:32:03

18 may have looked at a black one and a green one and some 10:32:06

19 other ones, and you picked the purple one because you 10:32:09

20 went in to shop, versus going in for a pack of 10:32:11

21 cigarettes; there's no thought process going into it. 10:32:14

22 You go in. A person goes in to buy a pack of 10:32:18

23 cigarettes. And my point was that the decision process 10:32:21

24 of the brand selection is nonexistent or, at best, 10:32:26

25 superficial. That was a long-winded way of trying to 10:32:31

Produced by F. J. C.

1 explain to you what I meant. I apologize for that. 10:32:34

2 So do you understand what I was trying to get at? 10:32:37

3 A. I believe so. 10:32:39

4 Q. Okay. 10:32:40

5 MR. THOMPSON: I'm going -- go ahead. I'll move to 10:32:43

6 strike the speech, to the extent it was testimony. 10:32:45

7 MR. BLUMENTHAL: Okay. 10:32:50

8 Q. As between going to shop for clothes, where 10:32:50

9 you go -- I know from my wife, women go through a great 10:32:56

10 deal of shopping process for clothes -- versus going in 10:33:01

11 to buy -- 10:33:01

12 MR. EATON: That was really a sexist remark. 10:33:04

13 MR. THOMPSON: You're digging a hole here. 10:33:08

14 MR. BLUMENTHAL: I'm not a shopper, so anyway. 10:33:10

15 Q. -- versus going in for cigarettes. My 10:33:12

16 question is, as the consumer-smoking person at RJR for, 10:33:14

17 as you said, adult smokers, in your understanding, is 10:33:22

18 it true or false that for most confirmed smokers over 10:33:28

19 18 years of age, the cigarette-purchase decision 10:33:31

20 process as to brand selection is nonexistent or, at 10:33:34

21 best, superficial? 10:33:38

22 MR. THOMPSON: Well, objection. Vague and 10:33:40

23 ambiguous, compound. 10:33:42

24 THE WITNESS: False. 10:33:46

25 MR. EATON: I didn't get the answer. I'm sorry. 10:33:46

Produced by RJRTC

1 MR. THOMPSON: "False." 10:33:49

2 BY MR. BLUMENTHAL: 10:33:50

3 Q. Is it true or false that RJR placed the Camel 10:33:50

4 ad campaigns during the class period in various medium 10:33:54

5 like Sports Illustrated, Mademoiselle, Road and Track 10:33:57

6 and motorcycle magazines like Cycle World? 10:34:03

7 MR. THOMPSON: Objection. Compound. 10:34:08

8 MR. BLUMENTHAL: Do you want me to break it down? 10:34:10

9 MR. THOMPSON: I would prefer. 10:34:12

10 MR. BLUMENTHAL: Sure. 10:34:14

11 Q. Is it true or false that RJR placed the Camel 10:34:14

12 ad campaigns -- let me clarify the four campaigns. You 10:34:16

13 know when I say "Camel ad campaigns," I mean the four 10:34:20

14 we talked about during the class period; correct? 10:34:24

15 A. Yes. 10:34:28

16 Q. So when I use those words "Camel ad 10:34:28

17 campaigns," those mean the four during the class 10:34:31

18 period. All right? 10:34:33

19 A. Yes. 10:34:34

20 Q. Okay. Is it true or false that RJR placed the 10:34:34

21 Camel ad campaigns during the class period in Sports 10:34:37

22 Illustrated? 10:34:41

23 MR. THOMPSON: Again, it's compound. 10:34:42

24 MR. BLUMENTHAL: Okay. You want me to break it 10:34:44

25 down for each campaign? 10:34:47

Produced by R. L. T. C.

1 MR. THOMPSON: It's the only way to know which did 10:34:50
2 and which didn't. 10:34:52
3 MR. BLUMENTHAL: Sure. Fair enough. 10:34:54
4 MR. THOMPSON: I mean, you can ask the preliminary 10:34:57
5 question whether all four of them were there, and then 10:34:58
6 if -- 10:35:01
7 MR. BLUMENTHAL: Okay. However you'd like to do 10:35:02
8 it. I can do it one at a time. 10:35:03
9 Q. Is it true or false that RJR placed the Joe 10:35:05
10 Camel ad campaign in Sports Illustrated? 10:35:08
11 A. True. 10:35:16
12 Q. Is it true or false that RJR placed the "What 10:35:17
13 are you looking for" campaign in Sports Illustrated? 10:35:22
14 A. I'm not sure I recall. 10:35:28
15 Q. Okay. Is it true or false that RJR placed the 10:35:29
16 "Mighty Tasty" ad campaign in Sports Illustrated? 10:35:34
17 A. True. 10:35:39
18 Q. Is it true or false that RJR placed the 10:35:40
19 "Pleasure to Burn" ad campaign in Sports Illustrated? 10:35:43
20 A. True. 10:35:47
21 Q. Okay. Is it true or false that RJR placed the 10:35:47
22 Joe Camel ad campaign in Mademoiselle? 10:35:51
23 A. I'm not sure. 10:35:55
24 Q. Is it true or false that RJR placed the "What 10:36:01
25 are you looking for" ad campaign in Mademoiselle? 10:36:01

Produced by RJRTC
in
HONOLULU

1 A. I'm not sure. 10:36:02

2 Q. Is it true or false that RJR placed the 10:36:03

3 "Mighty Tasty" ad campaign in Mademoiselle? 10:36:05

4 A. I'm not sure. 10:36:09

5 Q. Is it true or false that RJR placed the "What 10:36:10

6 are you looking for" ad campaign in -- 10:36:12

7 MR. THOMPSON: Mademoiselle. 10:36:17

8 MR. BLUMENTHAL: I'm sorry. 10:36:19

9 Q. "Pleasure to Burn" ad campaign -- let me reask 10:36:20

10 that. Is it true or false that RJR placed the 10:36:22

11 "Pleasure to Burn" ad campaign in Mademoiselle? 10:36:25

12 A. I'm not sure. 10:36:28

13 Q. Is it true or false that RJR placed the Joe 10:36:30

14 Camel ad campaign in Road and Track magazine? 10:36:35

15 MR. THOMPSON: While there's a pause here, I'll let 10:36:46

16 this go on, because I know it's going to be of limited 10:36:47

17 duration, but we didn't designate her as the person 10:36:49

18 responsible for knowing where the individual ads were 10:36:52

19 placed. 10:36:55

20 MR. BLUMENTHAL: Oh, all right. I won't belabor 10:36:56

21 you on that one. I apologize. I thought -- I'll just 10:36:58

22 continue. 10:37:02

23 Q. So you don't know for sure which magazines it 10:37:02

24 was in or out? 10:37:05

25 A. If the magazines were selected and met with 10:37:06

Produced by RJRTC

1 our policies and placement and we approved them, they 10:37:10
2 ran in those ads, those magazines. 10:37:13
3 Q. So I take it there's somebody else at RJR 10:37:15
4 that's more knowledgeable than you as to what magazines 10:37:18
5 these ad campaigns were run in; correct? 10:37:21
6 A. Actually were run at that time, yes. 10:37:24
7 Q. And who would that person be? 10:37:25
8 A. Patty Itterman. 10:37:27
9 Q. Is it true or false that during the class 10:37:31
10 period, RJR placed these ad campaigns at sports racing 10:37:33
11 events, like motorcycle events? 10:37:39
12 MR. BLUMENTHAL: You want me to break it down 10:37:44
13 again? 10:37:45
14 MR. THOMPSON: No. But just object. Vague and 10:37:47
15 ambiguous as to what "placing" means. 10:37:48
16 THE WITNESS: What do you mean by placing at an 10:37:52
17 event? 10:37:52
18 BY MR. BLUMENTHAL: 10:37:52
19 Q. At the event there would be a billboard or a 10:37:53
20 sign with either Joe Camel or "Mighty Tasty," "Pleasure 10:37:55
21 to Burn," those figures. 10:38:01
22 A. I'm not sure. 10:38:11
23 Q. Would Ms. Itterman be the one who would 10:38:13
24 know those -- 10:38:16
25 A. Yes. 10:38:17

Produced by RJRTC

1 Q. Is it true or false that during the class 10:38:17
2 period, RJR placed these four Camel ad campaigns on 10:38:19
3 billboards? 10:38:23

4 MR. THOMPSON: Again, it's compound. That probably 10:38:28
5 should be broken down. 10:38:30

6 BY MR. BLUMENTHAL: 10:38:32

7 Q. That would be -- Ms. Itterman would know best? 10:38:32

8 A. Because the responsibility I have is to 10:38:34
9 develop creative, I would be aware of which campaigns 10:38:37
10 had billboard advertising. 10:38:41

11 MR. THOMPSON: She can answer about that one. 10:38:43

12 THE WITNESS: Yes, I can. 10:38:45

13 MR. THOMPSON: Some may have. Some may not have. 10:38:46
14 So it's compound. 10:38:48

15 MR. BLUMENTHAL: Fair enough. 10:38:50

16 Q. Okay Did the Joe Camel ad campaign have 10:38:50
17 billboard advertising? 10:38:59

18 A. Yes. 10:39:00

19 Q. Did the did the "What are you look for" ad 10:39:00
20 campaign have billboard advertising? 10:39:07

21 A. Yes. 10:39:11

22 Q. Did the "Mighty Tasty" ad campaign have 10:39:11
23 billboard advertising? 10:39:15

24 A. Yes. 10:39:16

25 Q. Did the "Pleasure to Burn" campaign 10:39:16

Produced by R. J. C. in the case of

1 advertisement have billboard advertising? 10:39:19
2 A. No. 10:39:21
3 Q. Was the billboard advertisement that was 10:39:36
4 placed -- was that at a national level, or was it 10:39:39
5 placed on a local level? Do you know how it was 10:39:42
6 placed? 10:39:45
7 MR. THOMPSON: Objection. Vague and ambiguous. 10:39:46
8 THE WITNESS: It varied. 10:39:47
9 BY MR. BLUMENTHAL: 10:39:48
10 Q. Okay. Was Joe Camel placed at a national 10:39:48
11 level? 10:39:53
12 MR. THOMPSON: Objection. Vague and ambiguous. 10:39:54
13 THE WITNESS: How would you define "national" for 10:39:56
14 billboard placement? 10:39:57
15 BY MR. BLUMENTHAL: 10:39:59
16 Q. Okay. My definition would be you contact the 10:39:59
17 ad agency and tell them to place the ad campaign across 10:40:02
18 the country. 10:40:06
19 A. It's more complex than that, but broadly, yes, 10:40:11
20 it was national. 10:40:15
21 Q. Okay. Was the placement of the What are you 10:40:16
22 looking for ad campaign -- was that done at a national 10:40:24
23 level? 10:40:27
24 MR. THOMPSON: Objection. Vague and ambiguous. 10:40:28
25 THE WITNESS: I'm not sure. 10:40:36

Produced by ETC
in
HUMPHREY

1 BY MR. BLUMENTHAL:

2 Q. And was the Mighty Tasty ad campaign done at a 10:40:39

3 national level? 10:40:43

4 MR. THOMPSON: Objection. Vague and ambiguous. 10:40:44

5 MR. BLUMENTHAL: The billboard ads. 10:40:45

6 THE WITNESS: Yes, I think so. 10:40:47

7 BY MR. BLUMENTHAL: 10:40:48

8 Q. Okay. And you weren't sure about What are you 10:40:48

9 looking for, and if it wasn't done at a national level, 10:40:51

10 how would it have been done as to billboard placement? 10:40:54

11 A. I don't recall the spending behind that 10:41:02

12 billboard effort and whether it would have been a 10:41:03

13 national-level spending or less. 10:41:06

14 Q. Is it true or false that during the class 10:41:11

15 period, RJR placed these four Camel ad campaigns at 10:41:13

16 event sites like rock and roll concerts? 10:41:18

17 A. I don't know. 10:41:23

18 Q. Is there someone that handles event-sites 10:41:25

19 advertising, a person most knowledgeable than you? 10:41:33

20 A. That would be Patty Itterman. 10:41:36

21 Q. Is it true or false that during the class 10:41:43

22 period, RJR placed these four Camel ad campaigns in 10:41:45

23 convenience stores? 10:41:50

24 MR. THOMPSON: Objection. Compound. 10:41:53

25 MR. BLUMENTHAL: Okay. You want me to break it 10:41:56

50

Produced by RJRTC

1 down? 10:41:58

2 THE WITNESS: I'm afraid so. 10:41:58

3 BY MR. BLUMENTHAL:

4 Q. Is it true or false that during the class 10:42:01

5 period, RJR placed the Joe Camel ad campaigns at 10:42:02

6 convenience stores? 10:42:06

7 A. There were Joe Camel images on point of sale 10:42:08

8 during that period. 10:42:12

9 Q. Okay. Is it true or false that during the 10:42:18

10 class period, RJR placed "What are you looking for" 10:42:20

11 images at convenience stores? 10:42:25

12 A. I don't think the creative was "What are you 10:42:43

13 looking for" in retail stores. 10:42:46

14 Q. Is it true or false that during the class 10:42:47

15 period, RJR placed the "Mighty Tasty" images at 10:42:51

16 convenience stores? 10:42:56

17 A. The language of the slogan "Mighty Tasty" was 10:42:59

18 in convenience stores at that time. 10:43:04

19 Q. Okay. Is it true or false, during the class 10:43:06

20 period, that RJR placed the "Pleasure to Burn" images 10:43:12

21 at convenience stores? 10:43:16

22 A. Yes. 10:43:19

23 Q. Is it true or false, during the class period, 10:43:20

24 that RJR placed the Joe Camel image as a counter 10:43:22

25 display? 10:43:30

51

Produced by RJRTC

1 A. The signage in the top portion of the counter 10:43:34
2 display may have included Joe Camel. 10:43:40
3 Q. Okay. Is it true or false that during the 10:43:42
4 class period, RJR placed the "Mighty Tasty" words, as 10:43:45
5 you described it, in the counter display at convenience 10:43:51
6 stores? 10:43:57
7 A. Yes. 10:44:02
8 Q. Is it true or false, during the class period, 10:44:02
9 that "Pleasure to Burn" images were at counter displays 10:44:06
10 at convenience stores? 10:44:10
11 A. "Pleasure to Burn" was used in promotions that 10:44:13
12 would have displays. Whether they were on the counter, 10:44:19
13 I don't know. 10:44:24
14 Q. Okay. They would have appeared somewhere at 10:44:24
15 convenience stores, to your knowledge? 10:44:27
16 A. Yes. 10:44:29
17 Q. Okay. Is it true or false that, during the 10:44:29
18 class period, RJR had a coupon campaign for Camels? 10:44:32
19 A. Coupon campaign? 10:44:38
20 Q. Yes. 10:44:40
21 A. What do you mean by "coupon campaign"? 10:44:40
22 Q. Camel cash, where you could turn in Camel cash 10:44:44
23 for merchandise. 10:44:48
24 A. Yes. 10:44:50
25 Q. Okay. So is it true or false that, during the 10:44:50

1 class period, RJR had a Camel coupon campaign for 10:44:54
2 Camels? 10:44:58
3 A. Camel had Camel cash during the period of this 10:44:59
4 class action. 10:45:03
5 Q. Okay. Is it true or false that, during the 10:45:03
6 class period, RJR had a special merchandising division 10:45:08
7 for Camels? 10:45:12
8 MR. THOMPSON: Objection. Vague and ambiguous. 10:45:14
9 THE WITNESS: What do you mean by "special 10:45:15
10 merchandising division"? 10:45:17
11 BY MR. BLUMENTHAL: 10:45:19
12 Q. A division where they were merchandising 10:45:19
13 Camels, for example, buy two packs of Camels and get a 10:45:21
14 free T-shirt, you know, like that? 10:45:26
15 MR. THOMPSON: Well, I still object. Vague and 10:45:31
16 ambiguous. 10:45:33
17 THE WITNESS: There were many promotions on Camel 10:45:33
18 during that period. 10:45:35
19 BY MR. BLUMENTHAL: 10:45:40
20 Q. And would those promos be taken care of in the 10:45:41
21 merchandising division or some other division at RJR? 10:45:45
22 A. That would be in my marketing group. 10:45:49
23 Q. So you were in charge of the advertising and 10:45:51
24 the promotion? 10:45:53
25 A. That's correct. 10:45:55

Produced by RJRTC

1 Q. Okay. So for example, one of them was, as I 10:45:55
2 recall -- I think it was buy two packs of Camel and 10:45:59
3 receive a T-shirt. Do you recall that one? Is that a 10:46:04
4 correct one? 10:46:07
5 MR. THOMPSON: Objection. Vague and ambiguous. 10:46:09
6 You're asking her if such a promotion ever occurred? 10:46:10
7 MR. BLUMENTHAL: Yes. 10:46:12
8 MR. THOMPSON: Okay. 10:46:13
9 THE WITNESS: There could have been a promotion 10:46:14
10 where you bought Camels and received a free T-shirt, 10:46:16
11 yes. 10:46:19
12 BY MR. BLUMENTHAL: 10:46:20
13 Q. And those free T-shirts -- were they given 10:46:20
14 away at the store where they bought the cigarettes? Is 10:46:23
15 that how it worked? 10:46:25
16 A. The T-shirts were prepackaged with the 10:46:27
17 cigarettes, such that the cigarettes, when they were 10:46:29
18 purchased, included the T-shirt. 10:46:33
19 Q. Okay. And those T-shirts -- do you recall if 10:46:34
20 they had images of Camels on it? 10:46:37
21 A. There were different T-shirts that included 10:46:42
22 different images. 10:46:44
23 Q. Okay. Why don't you tell me the images on the 10:46:45
24 T-shirts that existed during the class period. 10:46:51
25 A. There were a number of different T-shirts. I 10:46:59

Produced by RJRTC
JUN 19 2001

1 don't know if I can recall all the T-shirts. 10:47:02

2 Q. Just give me your best recollection, if you 10:47:04

3 could. 10:47:06

4 A. It's been a number of years since we have ran 10:47:12

5 T-shirts in retail outlets, so I'm afraid I'd be -- I 10:47:14

6 could potentially incorrectly describe the T-shirt. 10:47:24

7 Q. Do you have a recollection of any of those 10:47:27

8 T-shirts having a warning label on them? 10:47:29

9 A. We did not put warning labels on T-shirts. 10:47:32

10 Q. Do you have a recollection of any of the 10:47:35

11 T-shirts just having a picture of the Camel camel, the 10:47:37

12 ~~best~~ I could call it? 10:47:41

13 A. The trademark -- 10:47:42

14 Q. Yes. 10:47:43

15 A. -- Camel? If we refer to him as the 10:47:43

16 trademark? 10:47:45

17 Q. Yes. 10:47:46

18 A. Yes. 10:47:47

19 Q. Any of the T-shirts have images of Joe Camel 10:47:51

20 on them? 10:47:53

21 A. I believe, yes. 10:47:53

22 Q. Is it true or false that RJR has represented 10:48:02

23 to the public that they do not conduct consumer surveys 10:48:05

24 of children? 10:48:09

25 MR. THOMPSON: Objection. Lacks foundation. 10:48:12

Produced by RJR-TC

1 THE WITNESS: True. 10:48:19

2 BY MR. BLUMENTHAL:

3 Q. Is it true or false that RJR conducts consumer 10:48:21

4 surveys among children? 10:48:26

5 A. False. 10:48:27

6 Q. Is it true or false that RJR has represented 10:48:28

7 to the public that they've never studied children's 10:48:31

8 attitudes towards smoking? 10:48:34

9 MR. THOMPSON: Objection. Lacks foundation. 10:48:37

10 THE WITNESS: I don't know. 10:48:38

11 BY MR. BLUMENTHAL: 10:48:38

12 Q. Is it true or false that RJR has, in fact, 10:48:39

13 never studied children's attitudes towards smoking? 10:48:42

14 A. I'm not sure. 10:48:47

15 Q. Is it true or false that RJR designs 10:48:49

16 cigarettes as a nicotine-delivery system? 10:48:52

17 MR. THOMPSON: Objection. Vague and ambiguous. 10:48:55

18 Also, way out -- it's outside of what she's been 10:48:58

19 brought here to talk about. 10:49:01

20 THE WITNESS: I don't know. 10:49:03

21 BY MR. BLUMENTHAL: 10:49:06

22 Q. I could ask it another way: Have you ever 10:49:06

23 talked to anybody at RJR about the fact that cigarettes 10:49:08

24 are a nicotine-delivery system? 10:49:12

25 A. No, I have not. 10:49:14

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the provisions of the
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act

1 Q. No one at RJR has ever told you that RJR is in 10:49:16
2 the business of delivering nicotine through cigarettes? 10:49:20
3 A. No one has ever told me that. 10:49:24
4 Q. Okay. Is it true or false that RJR designs 10:49:26
5 image advertising to be attractive to children? 10:49:33
6 A. False. 10:49:36
7 Q. Okay. Is it true or false that RJR 10:49:37
8 understands that they must convince children to smoke 10:49:39
9 for rational reasons, such as to experiment, to defy or 10:49:42
10 to be daring? 10:49:46
11 A. False. 10:49:49
12 MR. THOMPSON: Objection. Vague and ambiguous, 10:49:49
13 compound. 10:49:51
14 BY MR. BLUMENTHAL: 10:49:51
15 Q. Is it true or false that RJR understands that 10:49:52
16 they must design cigarettes for beginning smokers to be 10:49:55
17 low in irritation? 10:49:59
18 MR. THOMPSON: Objection. Calls for speculation, 10:50:00
19 vague and ambiguous. 10:50:02
20 THE WITNESS: I don't know. 10:50:03
21 BY MR. BLUMENTHAL: 10:50:03
22 Q. Is it true or false that RJR has studied 10:50:05
23 presmokers? 10:50:08
24 A. I don't know. 10:50:11
25 MR. THOMPSON: Objection. Vague and ambiguous. 10:50:12

57

Produced by R.F.T.C.

1 THE WITNESS: I don't know. 10:50:15

2 BY MR. BLUMENTHAL: 10:50:16

3 Q. Okay. Is it true or false that RJR's use of 10:50:16

4 the code words "younger adult smokers" is a code for 10:50:19

5 smokers 14 to 24? 10:50:24

6 MR. THOMPSON: Objection. Calls for speculation. 10:50:27

7 THE WITNESS: False. 10:50:32

8 BY MR. BLUMENTHAL: 10:50:32

9 Q. Is it true or false that RJR's use of the code 10:50:33

10 words "younger adult smokers" is a code word for 10:50:35

11 smokers 16 through 24? 10:50:40

12 MR. THOMPSON: Objection. Calls for speculation, 10:50:43

13 assumes facts not in evidence. 10:50:44

14 THE WITNESS: False. 10:50:45

15 BY MR. BLUMENTHAL: 10:50:46

16 Q. Is it true or false that one of the purposes 10:50:47

17 of the master settlement agreement was to lessen the 10:50:49

18 exposure of cigarette advertisements to children? 10:50:52

19 MR. THOMPSON: Objection. Calls for speculation. 10:50:56

20 THE WITNESS: True. 10:50:59

21 BY MR. BLUMENTHAL: 10:50:59

22 Q. Okay. Is it true or false that one of the 10:51:00

23 purposes of the master settlement agreement was to 10:51:02

24 eliminate cartoons from cigarette advertisements? 10:51:05

25 MR. THOMPSON: Objection. Calls for speculation. 10:51:08

Produced by LIRC

1 THE WITNESS: True. 10:51:12

2 BY MR. BLUMENTHAL: 10:51:12

3 Q. Is it true or false that one of the purposes 10:51:13

4 of eliminating cartoons from cigarette advertisements 10:51:15

5 was to lessen the appeal of cigarette advertisements to 10:51:18

6 children? 10:51:21

7 MR. THOMPSON: Objection. Calls for speculation. 10:51:22

8 THE WITNESS: That was the claim. 10:51:25

9 BY MR. BLUMENTHAL: 10:51:26

10 Q. So true? 10:51:27

11 A. True. 10:51:29

12 Q. Is it true or false that RJR sells Camel 10:51:29

13 Lights? 10:51:32

14 A. True. 10:51:33

15 Q. Is it true or false that the use of the words 10:51:34

16 "Lights" is a health representation? 10:51:38

17 A. I don't know. 10:51:41

18 Q. Okay. Have you ever discussed with anybody at 10:51:42

19 RJR, as the marketing vice-president of Camels, that 10:51:45

20 the use of the word "Lights" is a health 10:51:51

21 representation? 10:51:55

22 A. No, I haven't. 10:51:55

23 Q. Is it true or false that the use of the word 10:51:57

24 "Lights" is a safety representation? 10:51:59

25 A. I don't know. 10:52:01

Produced by RJRTC

1 Q. Is it true or false that light cigarettes, 10:52:06
2 that is, for example, Camel Lights, are healthier than 10:52:10
3 Camel regular cigarettes? 10:52:14

4 A. I don't know. 10:52:16

5 Q. Okay. Has anybody at RJR ever conducted a 10:52:16
6 study, to your knowledge, as to the health safety of 10:52:22
7 Camel Lights versus Camel regulars? 10:52:26

8 A. Not that I know of. 10:52:28

9 Q. I'm going to ask you a hypothetical now. It's 10:52:33
10 going to be long. I'm sure counsel is going to object. 10:52:35
11 It's a marketing hypothetical. 10:52:40
12 You have a friend, Ms. Creighton. Your friend is 10:52:47
13 age 25. He likes having relationships with young girls 10:52:53
14 ages 14 to 24. Okay? You know he finds these girls by 10:52:59
15 placing ads in Sports Illustrated, hanging out at 10:53:05
16 convenience stores and going to NASCAR events and 10:53:09
17 motorcycle events. You confront him that you know he's 10:53:13
18 having relationships with young girls ages 14 to 17, 10:53:19
19 and that, if he doesn't stop, you're going to have to 10:53:25
20 report him to the police as a child molester. He 10:53:29
21 agrees, and he tells you he's no longer going to have 10:53:35
22 relationships with children and that to prove this to 10:53:38
23 you, he's going to change his ways. But he still 10:53:42
24 intends to advertise in Sports Illustrated, hang out at 10:53:47
25 convenience stores and go to NASCAR and motorcycle 10:53:50

60

produced by RJRTC

1 events. 10:53:54

2 My question is, would you believe he really intends 10:53:55

3 to no longer molest children, or do you believe actions 10:53:59

4 speak louder than words? 10:54:05

5 MR. THOMPSON: Well, you're right, I'm going to 10:54:07

6 object. It's an incomplete hypothetical. It's vague 10:54:09

7 and ambiguous, and primarily, it's entirely 10:54:13

8 argumentative. Also, it's compound, and of course, 10:54:15

9 irrelevant and outside anything she's been asked to 10:54:25

10 testify about. 10:54:29

11 If you understand the question and have a response, 10:54:37

12 you can provide it, Ms. Creighton. 10:54:40

13 THE WITNESS: To the extent that I understand the 10:54:49

14 question, my answer is I don't know. 10:54:51

15 MR. THOMPSON: Could we take a break, Norm? 10:54:59

16 MR. BLUMENTHAL: Absolutely. On the record, any 10:55:01

17 time you want to take a break -- you've had your 10:55:02

18 deposition taken before -- I'm happy to accommodate. 10:55:05

19 THE WITNESS: Okay. 10:55:08

20 VIDEOGRAPHER: We're off the record. The time is 10:55:08

21 10:55 A.M. 10:55:10

22 (Discussion off the record.) 11:09:36

23 VIDEOGRAPHER: We are back on the record. The time 11:09:36

24 is 11:09 A.M. 11:09:37

25 BY MR. BLUMENTHAL:

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1 Q. Back on the record, Ms. Creighton. There are 11:09:44
2 some issues that came up in the first session this 11:09:44
3 morning about what you know in terms of cigarette 11:09:45
4 smoking as part of your job as the person most 11:09:51
5 knowledgeable in consumer smoking and tobacco products. 11:09:56
6 What I'm going to do for you now is I'm going to play a 11:09:59
7 tape for you. If you have -- you can stop it at any 11:10:02
8 time you want in terms of the facts that are going to 11:10:07
9 come up. But my question is to you, as you go through 11:10:09
10 it, any of these facts, I want to know if you knew that 11:10:13
11 as part of your job, being the person most 11:10:17
12 knowledgeable at RJR. All right? 11:10:21
13 MR. THOMPSON: Wait. I'm not sure I'm going to 11:10:26
14 consent to this. You're playing an audiotape for her? 11:10:27
15 MR. BLUMENTHAL: Yes. 11:10:30
16 MR. THOMPSON: And you're asking her to, at some 11:10:30
17 point, stop, or -- 11:10:31
18 MR. BLUMENTHAL: No. We can play it through. It's 11:10:35
19 a foundational question. There are issues on 11:10:37
20 foundation as to what she knew about whether or not 11:10:39
21 cigarettes cause cancer, as to what she knew about 11:10:42
22 whether or not cigarettes cause emphysema or addiction. 11:10:44
23 My question is, as part of her job at RJR -- I'm going 11:10:48
24 to show a tape with foundational points on it -- if she 11:10:54
25 knows of this information. 11:10:58

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IN RE
TAMER
HUNTER

1 MR. THOMPSON: No. I mean, I'll let you play the 11:10:59
2 tape, but I'm not sure I'll let her answer any 11:11:01
3 questions. Letting you play the tape does not -- 11:11:05
4 should in no way be taken that these are legitimate 11:11:06
5 questions or that she's agreed to do what you've asked. 11:11:11
6 I'll listen to the tape. I'll be open minded about 11:11:15
7 this, but it sounds to me like not proper procedure. 11:11:16
8 And so, you know, we'll listen to the tape. 11:11:19
9 MR. BLUMENTHAL: And your objection is duly noted. 11:11:25
10 This is the only way -- I tried to do it through the 11:11:27
11 questions, and I wasn't successful. So I'm going to 11:11:29
12 try to lay the foundation through the tape, and I'll 11:11:32
13 ask you some questions on the tape when it's over. All 11:11:35
14 right. It's going to be on the screen behind you. 11:11:38
15 MR. EATON: It's a video? 11:11:46
16 MR. BLUMENTHAL: Video. No, it's a video. 11:11:47
17 (Playing the video). 11:11:51
18 UNIDENTIFIED SPEAKER: Gentlemen, we welcome you to 11:12:16
19 our hearing today. Raise your right hand. Do you 11:12:18
20 swear that the testimony you are about -- 11:12:21
21 MR. THOMPSON: Stop the tape. I'm not going to 11:12:23
22 allow this to occur. This is completely improper. 11:12:24
23 None of this has anything to do with the reason she has 11:12:27
24 been brought here as a PMK. Her knowledge of health 11:12:30
25 sections was covered in the prior depositions. The 11:12:33

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1 understanding was an individual that would be post, the 11:12:36
2 prior depositions being taken in connection with the -- 11:12:38
3 no. I mean, you can play the tape if you want. We 11:12:41
4 will leave the room until it's done, and then we'll 11:12:44
5 come back, and we won't be answering any questions 11:12:45
6 about it. You can ask her questions from your own 11:12:47
7 mouth about anything that's reasonable within what 11:12:50
8 she's been brought here, but I'm not going to have you 11:12:59
9 play a videotape and somehow ask her questions later 11:12:59
10 about the videotape. I'm just not going to permit it. 11:13:01
11 MR. BLUMENTHAL: Todd, I tried to do it with the 11:13:05
12 questions. 11:13:07
13 MR. THOMPSON: You'll have to try harder, Norm, 11:13:09
14 because this is not accepted deposition procedure. 11:13:10
15 It's not what a deposition is about. 11:13:13
16 MR. BLUMENTHAL: Let me tell you what's on the 11:13:17
17 tape, and I'll try to explain it to you. This witness 11:13:19
18 is here as a PMK. I don't know if she'll ever be a 11:13:23
19 fact. I question -- 11:13:26
20 With all due respect to you, Ms. Creighton, I 11:13:27
21 question your veracity. I'm doing this as 11:13:29
22 cross-examination, because on the tape -- and we're 11:13:33
23 going to play the tape -- you're going to see 11:13:35
24 Mr. Johnson state that cigarette smoking is not 11:13:37
25 addictive. He's going to state that it's not been 11:13:40

Produced by RRTC
in
Blumenthal

1 proven that cigarette smoking causes cancer. He's 11:13:43
2 going to state that Joe Camel is not attractive to 11:13:47
3 children. There are various other statements made on 11:13:52
4 the tape. 11:13:57
5 MR. THOMPSON: Uh-huh. 11:13:58
6 MR. BLUMENTHAL: In asking Ms. Creighton these 11:13:59
7 questions before, I don't believe I was receiving the 11:14:00
8 whole truth from her. And the purpose of playing the 11:14:02
9 tape is to -- this is her boss at the time that she was 11:14:04
10 with the company, making statements about the addictive 11:14:08
11 nature of cigarettes, which are simply not true, about 11:14:12
12 the links between cigarettes and cancer, which are 11:14:17
13 simply not true. I'm playing the tape because, for 11:14:19
14 cross-examination purposes, I don't believe, with all 11:14:25
15 due respect, that you're being perfectly candid with me 11:14:28
16 with respect to your knowledge. That's the purpose of 11:14:32
17 playing it. 11:14:34
18 MR. THOMPSON: But the tape is inevitably going to 11:14:35
19 involve all sorts of compound issues. If Mr. Johnson 11:14:37
20 said that at some time, you're welcome to ask her 11:14:41
21 whether she's aware that he said that.
22 MR. BLUMENTHAL: I've already asked those 11:14:46
23 questions. 11:14:47
24 MR. THOMPSON: She gave you an answer. I mean, 11:14:49
25 understand -- you attacked her credibility, but you did 11:14:51

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1 it in a polite way, so I'm not going to yell back at 11:14:53
2 you. But you've got your answer. You had your 11:14:54
3 opportunity to ask the question. If you want to ask 11:14:56
4 specific questions to probe, that's certainly 11:14:59
5 permitted, although, again, this is all outside why she 11:15:01
6 was brought here, which was not to talk about 11:15:04
7 Reynolds's public representations about health effects 11:15:07
8 or children's marketing. Those issues are not in the 11:15:10
9 PMK's, not fairly within the PMK's. 11:15:15
10 Again, the topics in the PMK notice are so broad, 11:15:19
11 you can't say, "I set down this broad thing, consumer 11:15:21
12 marketing," and then say, "Everything I decide to ask 11:15:25
13 falls within that." That's just not a legitimate way 11:15:28
14 to go. If you're going to ask -- if you're going to 11:15:31
15 have broad categories like consumer -- consumer 11:15:33
16 smoking, you're going to have to suffer with the fact 11:15:36
17 that no one can know what the hell you're talking about 11:15:39
18 and no one can prepare properly for that. 11:15:42
19 So again, I won't permit this procedure. I will 11:15:45
20 let you ask, for example, the question about 11:15:47
21 Mr. Johnson and what he said at a particular time and 11:15:50
22 whether she's aware of it. 11:15:53
23 MR. BLUMENTHAL: To do that, I'm going to play the 11:15:55
24 tape. You don't have to sit in the room. You're free 11:15:57
25 to leave while I play it, but I'm going to put it on 11:15:59

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1 the record. If you'd like to stay -- I can't keep you 11:16:03
2 here, obviously, but we're going to play the tape. So 11:16:06
3 it's your choice. 11:16:09
4 MR. THOMPSON: I'm not going to stop you from 11:16:12
5 playing the tape. I also probably overstated when I 11:16:13
6 said we would leave. I will simply instruct her not to 11:16:15
7 answer any questions about the tape. 11:16:20
8 MR. BLUMENTHAL: Okay. Let's start it back at the 11:16:22
9 beginning. 11:16:23
10 MR. EATON: Before you start, how long is the tape? 11:16:35
11 Do you know? 11:16:37
12 MR. BLUMENTHAL: It's going to run -- my 11:16:38
13 recollection when I did it -- I'm going to play the 11:16:39
14 whole thing -- it's about 15 minutes. 11:16:42
15 MR. EATON: Okay. 11:16:45
16 MR. THOMPSON: You know, Norm, I've got to say 11:16:46
17 you're going to waste 15 minutes of her time, plus 11:16:46
18 another 15 minutes asking questions that I'll instruct 11:16:48
19 her not to answer. And, frankly, maybe I spoke too 11:16:51
20 soon when I said we wouldn't leave the room. 15 11:16:56
21 minutes? You expect -- you're going to film a 11:16:59
22 videotape for 15 minutes? I just can't believe you 11:17:02
23 really plan on doing it. 11:17:06
24 MR. BLUMENTHAL: And you're free to stay and free 11:17:09
25 to go. I'm going to ask questions on it. You're free 11:17:10

Produced by PIPCO
INDEPENDENT

1 to instruct her not to answer. But I have foundation. 11:17:13
2 We'll go to the judge at some point, because I think 11:17:19
3 that I'm entitled to some answers to these questions. 11:17:21
4 MR. THOMPSON: I don't. Actually, I've got to say, 11:17:24
5 you can play the tape, make your record. We're 11:17:25
6 leaving. We'll come back. But again, I'll instruct 11:17:28
7 her not to answer. And I'm not going to have her sit 11:17:31
8 here while you repeatedly ask questions about it. And,
9 of course, I will instruct her repeatedly. 11:17:34
10 MR. BLUMENTHAL: I think you can make me an offer 11:17:38
11 of proof that you're not going to answer any questions 11:17:39
12 only after I play it. 11:17:42
13 MR. THOMPSON: I'm doing that now, and you're still 11:17:44
14 going to waste our time with going through playing the 11:17:44
15 tape. 11:17:46
16 MR. BLUMENTHAL: I'm going to make my offer, and 11:17:47
17 you can certainly make yours, but I'm not going to be 11:17:49
18 deterred in making my presentation. 11:17:53
19 MR. THOMPSON: Okay. Ms. Creighton, let's go. 11:17:55
20 When the tape is over, you can tell us. 11:17:58
21 MR. BLUMENTHAL: Okay. For the record, you can 11:18:00
22 note that the witness and her counsel have left the 11:18:06
23 room. And we will play the tape. 11:18:09
24 (At this point, the witness and her counsel
25 left the deposition proceedings.) 11:18:15

1 (Videotape being played). 11:18:19

2 UNIDENTIFIED SPEAKER: Gentlemen, we welcome you to 11:18:35

3 our hearing today. Raise your right hand. Do you 11:18:38

4 swear that the testimony you're about to give is the 11:18:40

5 truth, the whole truth and nothing but the truth? 11:18:43

6 (All present agree).

7 UNIDENTIFIED SPEAKER: Please consider yourself to 11:18:47

8 be under oath. 11:18:49

9 THE NARRATOR: In April 1994, the House 11:18:50

10 Subcommittee on Health and the Environment heard 11:18:51

11 testimony from the CEOs of the leading tobacco 11:18:55

12 manufacturers. Representative Henry Waxman, then 11:18:59

13 chairman of the committee, stated in his opening 11:19:03

14 remarks that the purpose of the hearing was to mark the 11:19:06

15 beginning of a new relationship between Congress and 11:19:08

16 the tobacco companies. What Representative Waxman was 11:19:12

17 alluding to was the changing tide toward treating the 11:19:15

18 tobacco industry like other consumer-product 11:19:19

19 industries, rather than continuing to exempt or protect 11:19:22

20 it from regulatory laws. 11:19:26

21 This videotape will let you see for yourself how 11:19:28

22 the industry is arguing against this change. 11:19:32

23 Juxtaposed against these arguments are facts you will 11:19:36

24 find useful as you work to improve the public's health 11:19:39

25 by reducing tobacco use. We hope these facts will help 11:19:42

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1 you establish your position in a logical and effective 11:19:46
2 way. Now let's go to the Hill. 11:19:49

3 UNIDENTIFIED SPEAKER: I came out of retirement to 11:20:01
4 join the tobacco industry, mindful of the challenges 11:20:02
5 presented to it at this time and also with the 11:20:06
6 knowledge, borne of my experience, that the tobacco 11:20:10
7 industry is one of the respectable American industries 11:20:13
8 to make up American commerce. It acts responsibly in 11:20:16
9 its business practices, and it produces a product 11:20:20
10 recognized worldwide for its quality. 11:20:24

11 UNIDENTIFIED SPEAKER: Do you or do you not agree, 11:20:28
12 to a certain general estimate, that over 400,000 11:20:31
13 smokers die a year? 11:20:33

14 UNIDENTIFIED SPEAKER: I do not agree. 11:20:34

15 UNIDENTIFIED SPEAKER: Do you know how many died 11:20:36
16 here? 11:20:38

17 UNIDENTIFIED SPEAKER: I do not know. 11:20:38

18 THE NARRATOR: Overwhelming scientific evidence 11:20:41
19 proves beyond a doubt that smoking kills. The fact is 11:20:44
20 that smoking is the single most preventable cause of 11:20:46
21 premature death in the United States. One in five 11:20:50
22 deaths in the U.S. is directly caused by smoking. On 11:20:53
23 average, smokers die at least seven years earlier than 11:20:56
24 nonsmokers. Of the 48 million Americans who smoke, 11:21:00
25 more than 1,100 people die each day in the United 11:21:03

1 States from smoking-related illnesses. The tobacco 11:21:07
2 industry stands alone in denying deaths attributable to 11:21:11
3 tobacco use. The CDC estimates that more than 400,000 11:21:15
4 deaths attributable to smoking occurred in 1990. 11:21:19
5 Finally, more than 3,000 young people start smoking 11:21:24
6 each day, and tobacco use costs our nation \$50 billion 11:21:28
7 in direct medical costs each year. 11:21:33
8 "Chronic Disease." 11:21:38
9 UNIDENTIFIED SPEAKER: The experts also agree that 11:21:42
10 smoking causes heart disease. Do you agree that 11:21:43
11 smoking causes heart disease? 11:21:46
12 UNIDENTIFIED SPEAKER: It may. 11:21:49
13 UNIDENTIFIED SPEAKER: They agree that smoking 11:21:49
14 causes lung cancer. Do you agree? 11:21:51
15 UNIDENTIFIED SPEAKER: It may. 11:21:55
16 UNIDENTIFIED SPEAKER: Do you know whether it does? 11:21:56
17 UNIDENTIFIED SPEAKER: I do not know. 11:21:57
18 UNIDENTIFIED SPEAKER: Mr. Tisch, I want to move to 11:21:59
19 you for a moment. In a deposition last year, you were 11:22:01
20 asked whether cigarette smoking causes cancer. Your 11:22:03
21 answer was, quote, I don't believe so. Do you stand by 11:22:06
22 that answer today? 11:22:10
23 UNIDENTIFIED SPEAKER: I do, sir. 11:22:12
24 UNIDENTIFIED SPEAKER: Do you understand how 11:22:14
25 isolated you are in that belief from the entire 11:22:16

Produced by RRTC

1 scientific community? 11:22:19

2 UNIDENTIFIED SPEAKER: I do, sir. 11:22:23

3 THE NARRATOR: The tobacco companies are isolated 11:22:29

4 in their beliefs not only from the scientific community 11:22:31

5 but from the lay community as well. A recent New York 11:22:34

6 times CBS news poll found that only a 11 percent of 11:22:38

7 those polled believed that the tobacco industry told 11:22:42

8 the whole truth about the health issues associated with 11:22:44

9 smoking. The fact is about 120,000 people in the U.S. 11:22:47

10 die from lung cancer caused by smoking or environmental 11:22:53

11 tobacco smoke. About 180,000 people die each year from 11:22:56

12 smoking-related cardiovascular diseases. According to 11:23:02

13 the 1989 surgeon general's report, smokers face a 70 11:23:06

14 percent greater coronary heart disease death rate than 11:23:10

15 do nonsmokers. It is also fact that there is no 11:23:14

16 question that smoking causes lung cancer. 11:23:17

17 As early as the 1915, epidemiologic data began to 11:23:21

18 show that smoking was causally related to cancer of the 11:23:26

19 lung. The 1964 surgeon general's report conclusively 11:23:29

20 established that fact. Numerous studies, since the 11:23:34

21 early findings of the '50s and '60s, have further 11:23:38

22 confirmed the relationship between smoking and lung 11:23:41

23 cancer, taking into account age of initiation, rate of 11:23:44

24 inhalation, race, gender and other factors. 11:23:49

25 UNIDENTIFIED SPEAKER: Let me begin my questioning 11:24:01

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the National Cancer Institute

1 in the matter of whether or not nicotine is addictive. 11:24:03
2 Let me ask you first -- I'd like to go down the row -- 11:24:07
3 whether any of you gentlemen believe that nicotine is 11:24:10
4 not addictive. I heard virtually all of you just -- 11:24:13
5 yes or no. Do you believe that nicotine is not 11:24:17
6 addictive? 11:24:19
7 UNIDENTIFIED SPEAKER: I believe nicotine is not
8 addictive, yes. 11:24:22
9 UNIDENTIFIED SPEAKER: Mr. Johnson? 11:24:23
10 UNIDENTIFIED SPEAKER: Congressman, cigarettes and 11:24:25
11 nicotine clearly do not meet the classic definitions of 11:24:26
12 "addiction." There is no case. 11:24:30
13 UNIDENTIFIED SPEAKER: We'll take that as a "no." 11:24:33
14 Time is short. If you can -- I think each of you 11:24:35
15 believe that nicotine is not addictive. We'd like to 11:24:37
16 have this for the record. 11:24:40
17 UNIDENTIFIED SPEAKER: I don't believe that 11:24:44
18 nicotine or our products are addictive. 11:24:44
19 UNIDENTIFIED SPEAKER: I believe that nicotine is 11:24:44
20 not addictive. 11:24:46
21 UNIDENTIFIED SPEAKER: I believe nicotine is not 11:24:49
22 addictive. 11:24:51
23 UNIDENTIFIED SPEAKER: I believe that nicotine is 11:24:52
24 not addictive. 11:24:54
25 UNIDENTIFIED SPEAKER: I too believe that nicotine 11:24:55

1 is not addictive. 11:24:57

2 THE NARRATOR: The World's Health Organization, the 11:25:00

3 National Institute on Drug Abuse, the American 11:25:03

4 Psychiatric Association and the CDC all agree that 11:25:06

5 tobacco meets the criteria for defining drug addiction. 11:25:09

6 The scientific community agrees that nicotine is highly 11:25:13

7 addictive and regular use of nicotine is a drug 11:25:16

8 addiction. Nicotine is the drug in tobacco products 11:25:20

9 that causes addiction. Smokers themselves believe that 11:25:23

10 smoking is addictive. A gallop poll showed that 87 11:25:27

11 percent of smokers say cigarettes are addictive. 11:25:31

12 UNIDENTIFIED SPEAKER: The strict pharmacological 11:25:38

13 definition of "addiction" involves three different 11:25:40

14 criteria. They are intoxication, physical dependence 11:25:43

15 and tolerance, and to my knowledge, there's no evidence 11:25:46

16 that nicotine or cigarette smoking plays in any of 11:25:49

17 these definitions. 11:25:52

18 THE NARRATOR: There is an entire surgeon general's 11:25:56

19 report and hundreds of scientific papers that prove 11:25:58

20 nicotine causes physical dependence and tolerance, the 11:26:01

21 criteria for drug addiction defined by WHO-NIDA-APA. 11:26:05

22 First, the substance is mood altering and enters the 11:26:13

23 brain through the bloodstream, and the drug is 11:26:17

24 reinforcing. That is, the effects of the drug are so 11:26:19

25 rewarding that the user continues to take it. Second, 11:26:23

Produced by REXTC

1 the drug seeking or taking behavior is driven by strong 11:26:27
2 persistent and often irresistible urges. Third, there 11:26:31
3 are regular patterns of use. Continued use despite 11:26:37
4 harmful effects, relapse, following an abstinent period 11:26:40
5 and recurrent cravings for the drug. 11:26:45
6 Dependence-producing drugs often create a tolerance, 11:26:49
7 physical dependence and pleasant effects. 11:26:53
8 Nicotine is intoxicating and mood altering. It 11:26:55
9 affects the body in different ways. Smokers are able 11:26:59
10 to use nicotine both as a tranquilizer and as a 11:27:02
11 stimulant. Smokers may have a cigarette when they're 11:27:07
12 under stress to calm them down. And they may smoke a 11:27:10
13 cigarette if they're bored or restless to perk them up. 11:27:14
14 Nicotine is a drug that is easy for the user to 11:27:19
15 regulate. The body responds to it quickly. Nicotine 11:27:22
16 reaches the brain within ten seconds of inhalation. 11:27:26
17 According to the 1988 Surgeon General's report, 11:27:31
18 nicotine does cause physical dependence. Withdrawal 11:27:34
19 syndrome is the primary line of evidence to decide 11:27:39
20 whether a drug can cause physical dependence. Numerous 11:27:41
21 scientific studies demonstrate that there are 11:27:45
22 considerable withdrawal reactions from nicotine. 11:27:48
23 Withdrawal symptoms are both physical and 11:27:53
24 behavioral. These include cravings for the drug, 11:27:55
25 irritability, disrupted sleep cycle and changes in 11:27:59

Produced by EATC

1 blood pressure, pulse and body temperature. People who 11:28:04
2 stop using tobacco experience a period of withdrawal. 11:28:07
3 "Addiction: Another Argument." 11:28:23
4 UNIDENTIFIED SPEAKER: Ligett does not believe that 11:28:29
5 there is any such thing as an addictive level of 11:28:30
6 nicotine in cigarettes or that cigarettes are addictive 11:28:34
7 like heroin or cocaine, as has been alleged. In fact, 11:28:36
8 to equate cigarette smoking with actual hard-drug 11:28:41
9 addiction ignores the significant differences between 11:28:44
10 them. It also blinks at reality. 11:28:48
11 UNIDENTIFIED SPEAKER: During the past several 11:28:53
12 years there have been a wide variety of attempts to 11:28:54
13 convince the American public that cigarettes are 11:28:57
14 addictive and that some public officials have even gone 11:29:00
15 so far as to put cigarettes in the same class as 11:29:06
16 cocaine and heroin. You don't need to be a trained 11:29:11
17 scientist to see this isn't true. All you need to do 11:29:16
18 is ask and honestly answer two simple questions: 11:29:20
19 First, would you rather board a plane with a pilot 11:29:25
20 who just smoked a cigarette or one with a pilot who 11:29:30
21 just had a couple of beers or snorted cocaine or shot 11:29:33
22 heroin or popped some pills? Second, if cigarettes 11:29:38
23 were addictive, could almost 43 million Americans have 11:29:43
24 quit smoking, almost all of them on their own, without 11:29:48
25 any outside help? 11:29:52

Produced by RJRTC

1 THE NARRATOR: Not all addictive substances cause a 11:29:55
2 loss of control to the detriment of others. It's 11:29:58
3 obvious that most people would probably agree that they 11:30:00
4 would rather fly with a pilot who has smoked a 11:30:04
5 cigarette than one who has ingested cocaine. On face 11:30:07
6 value, it is difficult to compare a legal, socially 11:30:12
7 acceptable behavior, cigarette smoking to an illegal 11:30:16
8 socially unacceptable behavior, illicit drug use. 11:30:20
9 However, the two are quite comparable. As I said 11:30:24
10 before, study after study proves that the criteria that 11:30:27
11 defines drug dependence applies to nicotine. The 11:30:31
12 tobacco industry's argument that nicotine is not 11:30:35
13 addictive because so many people have quit smoking 11:30:39
14 implies that addiction is synonymous with impossible to 11:30:43
15 stop using. But this is not the case. 11:30:47
16 Even if it did, studies show that heroin and 11:30:51
17 cocaine users are able to quit on their own. Yet no 11:30:53
18 one argues that heroin and cocaine are not addictive. 11:30:56
19 Cigarettes are addicting. 43 million people who quit 11:31:01
20 on their own faced a formidable challenge when they 11:31:05
21 quit. 11:31:09
22 For example, they had most likely tried more than 11:31:11
23 once before they were successful, and many of them had 11:31:13
24 previously participated in a formal smoking cessation 11:31:18
25 program. 11:31:24

Produced by RIRTC

1 "Advertising and Children Smoking." 11:31:37

2 UNIDENTIFIED SPEAKER: Mr. Johnson, 1,147 people 11:31:42

3 die each day because of cigarettes. With those deaths, 11:31:45

4 there is a need to replenish the customer base. It is 11:31:49

5 your claim that you do not target children to refurbish 11:31:53

6 that base; is that correct? 11:31:58

7 UNIDENTIFIED SPEAKER: There is no need to 11:32:01

8 replenish that base and no, we do not market to 11:32:02

9 children and will not. 11:32:06

10 THE NARRATOR: The tobacco industry needs to 11:32:10

11 recruit thousands of smokers every day to replace those 11:32:12

12 smokers who die or quit. Adults don't start smoking. 11:32:15

13 Kids do. The fact is 90 percent of people who smoke 11:32:20

14 started before they were 18. Smokers become addicted 11:32:23

15 in their teens. 11:32:28

16 UNIDENTIFIED SPEAKER: Now, I'm not satisfied with 11:32:31

17 your answer, but I do know because you have the 11:32:32

18 opportunity, as the chief of your company, to make the 11:32:36

19 decision to pull that ad, so there will be no doubt 11:32:39

20 that you try to attract children. Will you pull that 11:32:43

21 ad and that advertising campaign so we can eliminate 11:32:46

22 the attraction that this ad clearly does to children? 11:32:50

23 Will you do that? 11:32:54

24 UNIDENTIFIED SPEAKER: I will repeat for the 11:32:56

25 record, if I thought that campaign caused any young 11:32:57

Produced by RRTC
in partnership with
the U.S. Surgeon General

1 people to begin smoking, I would pull it in a 11:33:02
2 heartbeat. 11:33:05

3 THE NARRATOR: The fact is that in 1987 when the 11:33:08
4 Joe Camel campaign was introduced, Camel cigarettes 11:33:11
5 increased 64 percent, from a market share of 8.1 11:33:15
6 percent to 13.3 percent among teen-age smokers. Camels 11:33:19
7 are not the only cigarettes heavily advertised. 85 11:33:25
8 percent of adolescent smokers prefer either Marlboro, 11:33:29
9 Newport or Camel, the three most heavily advertised 11:33:38
10 brands. 11:33:38

11 In addition, ads and promotions appear in places 11:33:40
12 where many young people see them, including magazines 11:33:43
13 like Glamour and Sports Illustrated, each of which has 11:33:46
14 a high percentage of readers under 18. Sporting and 11:33:51
15 entertainment events that attract teens are often 11:33:55
16 sponsored by the tobacco industry. The tobacco 11:33:58
17 industry spends \$5.2 billion a year, or more than 11:34:01
18 \$500,000 an hour to market cigarettes. About 20 11:34:07
19 percent is spent on advertising, and 80 percent is 11:34:12
20 spent on promotions such as events, sponsorships, 11:34:16
21 coupons and give-aways. 11:34:21

22 "Advertising and Children Smoke Less." 11:34:59

23 MR. BLUMENTHAL: That's it. 11:35:02

24 MR. DiSAIA: Do you want me to get them? 11:35:09

25 MR. BLUMENTHAL: Yes. 11:35:11

Produced by RIRTC

1 MR. EATON: Just for the record, how long has that 11:35:23
2 played? 11:35:24
3 VIDEOGRAPHER: The VCR indicates 16 minutes. 11:35:32
4 MR. DISAIA: Let's take a brief break. It might be 11:35:38
5 easier. 11:35:39
6 MR. BLUMENTHAL: Let's take a break. 11:35:41
7 VIDEOGRAPHER: We're off the record. The time is 11:35:42
8 11:35 A.M. 11:35:43
9 (Discussion off the record.) 11:40:27
10 VIDEOGRAPHER: We are back on the record. The time 11:40:31
11 is 11:40 A.M. 11:40:33
12 MR. THOMPSON: Okay. I have asked the witness to 11:40:36
13 go back to her hotel for the time being. It's clear 11:40:39
14 that counsel and I have a very different view about 11:40:42
15 what's appropriate in the deposition and the reason for 11:40:45
16 the deposition, and you know, Norm, there's no reason 11:40:47
17 to hash that out at this point. Instead of -- you 11:40:51
18 know, I toyed with the idea of terminating the 11:40:55
19 deposition, but I think the judge had offered to make 11:40:58
20 himself available for us to resolve disputes like that. 11:41:00
21 So I suggest that we take advantage of that, get some 11:41:03
22 direction from the judge about what's proper and what's 11:41:07
23 not and go from there. 11:41:09
24 And so what I propose to do, Norm, if it's 11:41:14
25 acceptable to you, is to call the judge, see if we can 11:41:17

Produced by R.G.T.C.
JAMES H. HUNTER

1 go see him now or at least sometime today, and then 11:41:20
2 I'll present to him my position. You can present to 11:41:24
3 him your position. And we'll see what he says. 11:41:26
4 MR. BLUMENTHAL: That will be fine. There's no use 11:41:30
5 for us to fight it out. We'll have the judge decide. 11:41:31
6 MR. THOMPSON: It would be fun to fight it out, 11:41:35
7 but, of course, neither of us could win until we get to 11:41:38
8 the judge anyway. 11:41:41
9 MR. BLUMENTHAL: Let's go off the record and see if 11:41:42
10 we can get in front of the judge. 11:41:43
11 MR. THOMPSON: Okay. Thank you. 11:41:47
12 VIDEOGRAPHER: We're off the record. This is the 11:41:48
13 end of Tape 1 of the deposition. The time is 11:41:52
14 11:41 A.M. 11:41:55
15
16 (At 11:41 A.M., the deposition of
17 FRANCES VIRGINIA CREIGHTON was adjourned
18 for noon recess.)
19 /// ///
20
21
22
23
24
25

Produced by RJRTC

1 (At 2:38 P.M., the deposition of
2 FRANCES VIRGINIA CREIGHTON was reconvened.)
3
4 VIDEOGRAPHER: We are back on the record. The time 14:38:52
5 is 2:38 P.M. 14:38:58
6 MR. BLUMENTHAL: Okay. We're back on the record. 14:39:00
7 We just went to see Judge Praeger, and as a result of 14:39:02
8 that, counsel have agreed that we're going to end this 14:39:06
9 volume of Ms. Creighton's deposition and close it as 14:39:12
10 Volume I. 14:39:16
11 We further agree that sometime in September, early 14:39:18
12 October, Ms. Creighton will return to San Diego for two 14:39:21
13 days of deposition, 14 hours -- I think the judge used 14:39:24
14 the term "two days" -- at a mutually convenient time, 14:39:31
15 that we'll have the usual stipulation that we had in 14:39:35
16 the other cases, that the court reporter will waive -- 14:39:38
17 allow her to sign it under penalty of perjury as in the 14:39:42
18 other sundry depositions that we have. I think -- is 14:39:47
19 that okay, Counsel? 14:39:51
20 MR. THOMPSON: That's agreed. When you say 14:39:52
21 "14 hours," I didn't think you to meant anything 14:39:54
22 differently, but the judge meant 14 hours over two 14:39:56
23 calendar days. 14:40:01
24 MR. BLUMENTHAL: Yes. That's what I meant. 14:40:04
25 MR. THOMPSON: What you said is accurate. 14:40:05

Produced by ERTC
in
HUMPHREY

1 Anything else, Counsel? 14:40:07
2 MR. DiSAIA: No. That's fine. 14:40:11
3 MR. BLUMENTHAL: Acceptable to everybody else? 14:40:12
4 MR. DiSAIA: Yes. 14:40:13
5 MR. EATON: Yes. 14:40:15
6 MS. WESTPHAL: Yes. 14:40:15
7 VIDEOGRAPHER: This concludes the deposition, and 14:40:15
8 we're off the record at 2:40 P.M. 14:40:17

9 (Whereupon, at 2:40 P.M. the deposition
10 concluded.)
11

12 * * * * *

13
14 I hereby declare under penalty of perjury
15 that the foregoing deposition is my deposition under
16 oath; that these are the questions asked of me and my
17 answers thereto; that I have read my deposition and
18 have made the necessary corrections, additions or
19 changes to my answers that I deem necessary.
20

21 IN WITNESS THEREOF, I hereby subscribe my
22 name, this _____ day of _____ 2001.
23
24

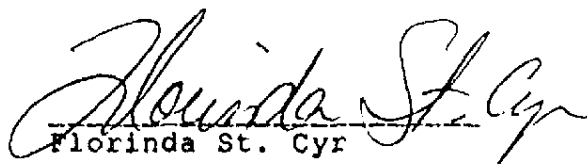
25 _____
FRANCES CREIGHTON

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF SAN DIEGO)
4

5 I, Florinda St. Cyr, CSR No. 10180, RPR, hereby
6 certify that I reported in shorthand the above
7 proceedings on MONDAY, AUGUST 27, 2001, at 550 West "C"
8 Street, Suite 1440, in the City of San Diego, County of
9 San Diego, State of California; and I do further
10 certify that the above and foregoing pages, numbered
11 from 4 to 84 inclusive, contain a true and correct
12 transcript of all of said proceedings.

13 It was stipulated that the original deposition
14 be delivered to Thorsnes, Bartolotta & McGuire, who was
15 not present, for the purpose of having the witness
16 read, correct and sign the deposition under penalty of
17 perjury; said original thereafter to be forwarded to
18 and maintained by Norman Blumenthal, Esq. until the
19 time of trial.
20

21 DATED: September 12th, 2001.
22

23
24 
25 Florinda St. Cyr
CSR NO. 10180, RPR